

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 26TH DAY OF MARCH 2015/5TH CHAITHRA, 1937

WP(C).No. 16132 of 2010 (N)

PETITIONER(S):

**JAYALEKHA.O.V., AGED 29 YEARS,
D/O. K.CHIREEKANDAN, (FORMERLY H.S.S.T.
PHYSICS (JUNIOR), CHOVVA HIGHER SECONDARY SCHOOL,
P.O. CHOVVA, KANNUR DISTRICT) RESIDING AT, O.V.HOUSE
KANNAPPURAM, P.O.IRINAVU, KANNUR DIST.**

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENT(S):

- 1. STATE OF KERALA, REP. BY SECREYTARY TO
GOVERNMENT, DEPARTMENT OF GENERAL EDUCATION,
SECRETAQRIAT, THIRUVANANTHAPURAM.**
- 2. THE DIRECTOR OF HIGHER SECONDARY
EDUCATION, DIRECTORATE HIGHER SECONDARY EDUCATION
THIRUVANANTHAPURAM.**
- 3. THE REGIONAL DEPUTY DIRECTOR, HIGHER
SECONDARY EDUCATION, REGIONAL OFFICE, KOZHIKODE.**
- 4. THE MANAGER, CHOVVA HIGHER SECONDARY
SCHOOL, CHOVVA, (VIA) KANNUR KANNUR DISTRICT.**

**R1 TO R3 BY (SR) GOVERNMENT PLEADER SRI. SOGAN JAMES
R4 BY ADV. SRI.GRASHIOUS KURIAKOSE**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 26-03-2015, ALONG WITH CRP. 1423/2002, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:**

vmr.

WP(C).No. 16132 of 2010 (N)

APPENIX

PETITIONERS EXHIBITS:-

- EXHIBIT P1- TRUE COPY OF THE G.O.(RT) NO.4068/2007 DATED 06/09/2009.**
- EXHIBIT P2- TRUE COPY OF THE APPOINTMENT ORDER DATED 01/08/2005.**
- EXHIBIT P3- TRUE COPY OF THE STATEMENT OF CHANGE OF STAFF TOGETHER WITH THE DECLARATION DATED 01/08/2005.**
- EXHIBIT P4- TRUE COPY OF THE LETTER DATED 19/03/2009.**
- EXHIBIT P5- TRUE COPY OF THE NAME DAED 04/02/2010.**
- EXHIBIT P6- TRUE COPY OF THE COMMUNICATION DATED 25/01/2010.**
- EXHIBIT P7- TRUE COPY OF THE LETTER DATED 11/06/2007.**
- EXHIBIT P8- TRUE COPY OF THE ORDER DATED 07/07/2007.**

RESPONDENTS EXHIBIT : NIL

/TRUE COPY/

P.A.TO JUDGE

vmr.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.16132 OF 2010

Dated this the 26th day of March, 2015

JUDGMENT

The petitioner has approached this Court on account of delay in approving her non appointment as HSST. Ext.P2 is the appointment order. Approval was declined by Ext.P8 for the reason that the Manager of the School has not sent the proposal for approving the petitioner's appointment in time. It was stated in Ext.P8 that if the Manager send a proposal for approval again, an appropriate decision shall be taken.

2. In this matter a counter affidavit has been filed by the Government. In paragraph 5 of the counter it is stated as follows:

"5. The Director, Higher Secondary Education,
Thiruvananthapuram as per letter
Acd.A4/20422/H.S.E./01 dated 06/01/2009 issued a
direction to this office to approve the appointment

taking a lenient view if there were no other claimants for the post. True copy of the letter is produced herewith and marked as Ext.R1(b). Accordingly, the Manager was asked to resubmit the proposal for approval in respect of the petitioner. The appointment was then approved and orders issued as per letter No. K.Dis A4/549/09 dated 26/3/2010. A true copy of the approved Order is produced and marked as Ext.R1(c). The principal of the school had submitted the salary arrear bill of the petitioner on 21/06/2010 and the same is passed and counter signed by this office True copy of the same is herewith produced and marked Ext.R1(d). "

3. In view of the above, the writ petition is closed recording the approval of the petitioner. If any salary is payable to the petitioner, the same shall be disbursed to her in accordance with the order of approval.

If the petitioner has any further grievance, she is at liberty to take up the same in accordance with law.

Sd/-

**A.MUHAMED MUSTAQUE,
Judge.**

dpk

/True copy/ PS to Judge.

