

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

FRIDAY, THE 24TH DAY OF APRIL 2015/4TH VAISAKHA, 1937

WP(C).No. 12791 of 2015 (Y)

PETITIONER(S):

**K.S. BALAN, AGED 49 YEARS,
S/O.LATE SANKARAN, RESIDING AT
KAINISSERI HOUSE, PATHIRICODE P.O,
VIA. MELATTOOR, MALAPPURAM DISTRICT-679 326.**

**BY ADVS.SRI.P.SANTHOSH KUMAR (PANAMPALLI NAGAR),
SRI.K.P.CHANDRASEKHAR.**

RESPONDENT(S):

- 1. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM -695 001.**
- 2. THE DIRECTOR OF PUBLIC INSTRUCTION,
OFFICE OF THE DIRECTOR PUBLIC INSTRUCTION,
JAGATHY, THIRUVANANTHAPURAM- 695 001.**
- 3. THE ASSISTANT EDUCATION OFFICER,
MELATTOOR, MALAPPURAM DISTRICT-679 326.**
- 4. THE MANAGER, A.U.P. SCHOOL,
VELLIYANCHERI, MALAPPURAM DISTRICT-679 326.**

R1 TO R3 BY GOVT. PLEADER SRI.K.C. VINCENT.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 24-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).No. 12791 of 2015 (Y)

APPENDIX

PETITIONER'S EXHIBITS:-

EXHIBIT P1. COPY OF THE APPOINTMENT ORDER DATED 11.01.2000.

EXHIBIT P2. COPY OF THE REPRESENTATION DATED 13.03.2015 TO THE
4TH RESPONDENT.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

ANIL K.NARENDRA, J.

W.P.(C).No.12791 of 2015

Dated this the 24th day of April, 2015

JUDGMENT

The petitioner is a rule 51 A claimant in the school managed by the 4th respondent. As evident from Ext.P1 order of appointment the petitioner worked as Hindi teacher in the school managed by the 4th respondent for the period from 11.1.2000 to 23.5.2000 and the said appointment was approved by the 3rd respondent as evident from the endorsement to that effect made on Ext.P1. Now the grievance of the petitioner is that Smt.Mercy Mathew a Hindi teacher working in the school managed by the 4th respondent retired on 31.3.2015 on attaining superannuation and that without honoring the preferential claim of the petitioner under Rule 51A Chapter XIV A of the Kerala Educational Rules, the 4th respondent Manager is taking hasty steps for making direct recruitment to that vacancy by 1.6.2015. The petitioner has moved Ext.P2 representation before the 4th respondent Manager, with a copy to the 3rd respondent, the Assistant Educational Officer, Melatoor.

2. I heard the learned counsel for the petitioner and also the learned Government Pleader for respondents 1 to 3.

3. Without going into the merits of the contention raised by the petitioner I find it appropriate to dispose of the Writ Petition with the following directions:-

1. The petitioner shall submit a detailed representation before the 3rd respondent regarding his claim for appointment as Hindi teacher in the school managed by the 4th respondent, in the vacancy which has arisen due to the retirement of Smt.Mercy Mathew on 31.3.2015. Such representation shall be filed along with a certified copy of this judgment before the 3rd respondent within a period of one week from today with copy to the 4th respondent.
2. On such representation being received the 3rd respondent shall consider and pass appropriate orders thereon with notice to the petitioner and also to the 4th respondent Manager. Necessary action in this regard shall be taken as expeditiously as possible, at any rate, by 20.5.2015.

ANIL K.NARENDRA, JUDGE

skj