

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

TUESDAY, THE 6TH DAY OF OCTOBER 2015/14TH ASWINA, 1937

WP(C).No.13063 of 2014 (G)

PETITIONER :

PRIYA MATHEW,
AGED 34 YEARS,
WIFE OF GEORGE JOSEPH,
LOWER PRIMARY SCHOOL ASSISTANT,
ST.JOSEPH'S UPPER PRIMARY SCHOOL, MANNANAM,
KOTTAYAM DISTRICT.

BY ADVS.SRI.V.A.MUHAMMED
SRI.V.RAJASEKHARAN NAIR

RESPONDENTS :

1. THE STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM-695001.
2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
JAGATHY, THIRUVANANTHAPURAM-695014.
3. THE DEPUTY DIRECTOR OF EDUCATION,
CIVIL STATION, KOTTAYAM-686001.
4. THE DISTRICT EDUCATIONAL OFFICER,
CIVIL STATION, KOTTAYAM-686001.
5. THE DEPUTY DIRECTOR OF EDUCATION,
ALAPPUZHA DISTRICT-688001.
6. THE DISTRICT EDUCATIONAL OFFICER,
KUTTANADU AT RAMANKARY, ALAPPUZHA-689 595.
7. THE ASSISTANT EDUCATIONAL OFFICER,
ETTUMANOR, KOTTAYAM DISTRICT-686631.
8. THE ASSISTANT EDUCATIONAL OFFICER,
MONCOMBU, ALAPPUZHA DISTRICT-688502.
9. THE CORPORATE MANAGER,
C.M.I.SCHOOLS, CIVIL PROVINCIAL HOUSE, THIRUVALLAM,
THIRUVANANTHAPURAM-695027.

WP(C).No.13063 of 2014 (G)

10. MERCY ABRAHAM,
LOWER PRIMARY SCHOOL ASSISTANT,
ST.JOSEPH'S UPPER PRIMARY SCHOOL, MANNANAM,
KOTTAYAM DISTRICT-686561.

R10 BY ADV. SMT.BIMALA BABY

R9 BY ADV. SRI.JOMY GEORGE

R9 BY ADV. SRI.SEBASTIAN THOMAS

R9 BY ADV. SRI.LITHIN THOMAS

R6 & 7 BY GOVERNMENT PLEADER SRI.V.K.RAFEEQ

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :-

P1: COPY OF THE APPOINTMENT ORDER OF THE PETITIONER DATED 1.6.2010.
P2: COPY OF THE ORDER OF THE ASSISTANT EDUCATIONAL OFFICER, MONCOMBU DATED 28.12.2011.
P3: COPY OF THE ORDER OF THE DISTRICT EDUCATIONAL OFFICER DATED 7.1.2013.
P4: COPY OF THE ORDER OF THE MANAGER DATED 26.3.2013.
P5: COPY OF THE APPROVED APPOINTMENT ORDER DATED 1.6.2011.
P6: COPY OF THE APPROVED APPOINTMENT ORDER OF SMT.NISHA JOSEPH DATED 21.6.2011.
P7: COPY OF THE APPROVED APPOINTMENT ORDER SMT.ANSAMMA P.J. DATED 23.6.2011.
P8: COPY OF THE ORDER NO.B2/16777/11 K.DIS. DATED 3.8.2012 OF THE DEPUTY DIRECTOR.
P9: COPY OF THE ORDER OF THE DEPUTY DIRECTOR OF EDUCATION, ALAPPUZHA DATED 9.10.2012.
P10: COPY OF THE APPROVED APPOINTMENT ORDER OF SMT.MERCY ABRAHAM DATED 4.6.2012.
P11: COPY OF THE G.O.(MS)NO.275/1999/G.Edn. DATED 9.11.1999 OF THE GOVERNMENT.
P12: COPY OF THE REVISION PETITION FILED BEFORE THE GOVERNMENT DATED 23.4.2014.
P13: COPY OF THE GO(P)NO.313/13/G.Edn. DATED 29.11.2013 OF THE GOVERNMENT.
P14: COPY OF THE ORDER OF THE ASSISTANT EDUCATIONAL OFFICER DATED 3.5.2014.

P15: COPY OF THE G.O.(Rt.)No.2779/2015/G.Edn. DTD.9.7.2015 OF THE GOVT.

P16: COPY OF THE PROCEEDINGS OF THE MANAGER DTD.21.8.2015 OF THE MANAGER.

RESPONDENTS' EXHIBITS :-

EXT.R7(a): COPY OF THE ORDER NO.C/2222/2011 K.Dis DTD.26.3.2012.

EXT.R7(b): COPY OF THE ORDER NO.B1/5419/2012/K.Dis DTD.29.11.2012.

EXT.R7(c): DECLARATION DTD.4.6.2012 OF THE CORPORATE MANAGER, CORPORATE EDUCATIONAL AGENCY OF CMI SCHOOLS.

EXT.R7(d): COPY OF THE G.O.(P)No.124/2014/G.Edn DTD.4.7.2014.

EXT.R7(e): COPY OF THE ORDER NO.C/1398/14/K.Dis DTD.11.8.2014.

True copy

P.A to Judge

ANIL K.NARENDRA, J.

W.P.(C)No.13063 of 2014

Dated this the 6th day of October, 2015

JUDGMENT

The petitioner, who was appointed as UPSA in the school managed by the 9th respondent, has filed this writ petition seeking a writ of mandamus commanding the 8th respondent to approve her appointment as UPSA with effect from 1.6.2010 to 31.5.2011 and to regularise her appointment as LPSA for the period from 4.6.2012 by shifting the 10th respondent against the leave vacancy in which the petitioner was accommodated. She has also sought for various other consequential reliefs.

2. Today when the case was taken up for consideration, it was pointed out by both sides that by Ext.P15 Government Order dated 9.7.2015 the Government have passed orders on the approval of the appointment of the petitioner as UPSA for the period from 1.6.2010 to 31.5.2011 and also regarding the regularisation of her appointment as LPSA from 4.6.2012 by shifting the 10th respondent. By the aforesaid order the 9th respondent Manager was directed to reshuffle the appointments of the petitioner and the 10th respondent

in the manner that the petitioner is adjusted against the first regular vacancy which arose in St.Joseph's L.P.School, Mannanam on 4.6.2012 in lieu of the 10th respondent. The District Educational Officer, Kuttanadu, the 6th respondent herein was directed to approve the appointment of the petitioner as UPSA, if it is otherwise in order. Pursuant to Ext.P15 Government Order, the 9th respondent Manager has also issued Ext.P16 order dated 21.8.2015 and the operative portion of the said order reads thus:-

"In the above circumstances the following adjustments are ordered as directed by the Government.

i) Smt.Priya Mathew, LPSA who has got approved appointment from 01.06.2011 to 31.05.2016 is shifted to and posted as LPSA with effect from 04.06.2012 against the regular vacancy of LPSA arose in St.Joseph's Upper Primary School, Mannanam due to the sanction of additional division during 2010-11 vice Smt.Mercy Abraham.

ii) Smt.Mercy Abraham is shifted and posted as LPSA from 04.06.2012 to 01.06.2014 against a vacancy arose in St.Joseph's Upper Primary School, Mannanam due to the promotion of Sr.Elizabeth Mathew against a long leave vacancy up to 31.05.2016 in which Smt.Priya Mathew was accommodated and from 02.06.2014 as UPSA against the regular vacancy of UPSA arose in St.Joseph's Upper Primary School, Mannanam due to the transfer of Smt.Sini

Mathew UPSA to St.Joseph's H.S.Pulincunnu.”

3. I heard the arguments of the learned counsel for the petitioner, the learned Government Pleader appearing for respondents 1 to 8, the learned counsel for the 9th respondent and also the learned counsel for the 10th respondent.

4. In view of Ext.P15 Government Order, this Writ Petition is disposed of directing the 7th respondent to pass appropriate orders in terms of Ext.P15 Government Order and Ext.P16 consequential proceedings of the 9th respondent, within a period of two months from the date of receipt of a certified copy of this judgment.

All consequential monetary benefits payable to the petitioner shall be disbursed to her within a period of three months from the date of receipt of a certified copy of this judgment.

Sd/-

ANIL K.NARENDRA, JUDGE

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