

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 24TH DAY OF MARCH 2015/3RD CHAITHRA, 1937

WP(C).NO. 13177 OF 2014 (V)

PETITIONER(S):

**MRUDULA. M., AGED 35 YEARS,
W/O.MADHUSOODANAN, HSST,
MUNDUR HIGHER SECONDARY SCHOOL,
HSS MUNDUR, PALAKKAD, RESIDING AT
MALAMAL HOUSE, VALIYAPADAM,
CHAKKANHAPURAM. P.O., PALAKKAD-678 005.**

BY ADV. SRI.U.BALAGANGADHARAN.

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
GENERAL EDUCATION DEPARTMENT,
THIRUVANANTHAPURAM-695 001.**
- 2. THE DIRECTOR OF HIGHER SECONDARY EDUCATION,
THIRUVANANTHAPURAM-695 001.**
- 3. THE REGIONAL DEPUTY DIRECTOR,
HIGHER SECONDARY EDUCATION,
ERNAKULAM-682 030.**
- 4. THE MANAGER,
HIGHER SECONDARY SCHOOL,
MUNDUR POST, PALAKKAD-678 592.**
- 5. SRI.JAYARAMAN. K.,
HIGHER SECONDARY SCHOOL TEACHER (ENGLISH),
HIGHER SECONDARY SCHOOL,
MUNDUR, PALAKKAD-678 592.**

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*** ADDL. R6 IMPEADED**

**6. THE REGIONAL DEPUTY DIRECTOR,
MALAPPURAM -676 505.**

*** ADDL. R6 IS IMPEADED AS PER ORDER DATED 26/08/2014 IN
IA. NO.9196/2014.**

**R1 TO R3 & ADDL.R6 BY SR. GOVT. PLEADER SMT.M.J. RAJASREE.
R4 BY ADV. SRI.E.S.ASHRAF.
R5 BY ADV. SRI.PAULSON THOMAS.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 24-03-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- P1. A TRUE COPY OF THE ORDER NO. B3.20712/2011 DATED 25-07-2012 ISSUED BY THE 3RD RESPONDENT.
- P2. A TRUE COPY OF THE ORDER NO. B3/20711/2011 DATED 25-07-2012 OF THE 3RD RESPONDENT.
- P2A. A TRUE COPY OF THE ORDER NO. B3/3941/RDD/HSE/EKM DATED 06-11-2013.
- P3. A TRUE COPY OF THE GO (MS) 161.2004/G.EDN. DATED 14-06-2004.
- P4. A TRUE COPY OF THE CIRCULAR NO. ACD/B1/11646/HSE/2003 DATED 16-06-2004.
- P5. A TRUE COPY OF THE JUDGMENT IN WP(C).NO.30722/2013 DATED 12-12-2013.
- P6. A TRUE COPY OF THE ORDER B3/521/RDDE/2014 OF THE 3RD RESPONDENT DATED 14-02-2014.
- P7. A TRUE COPY OF THE ORDER NO. ACD. A2/62691/HSC/2013 ISSUED BY THE 2ND RESPONDENT DATED 01-03-2014.
- P8. A TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER TO THE 3RD AND 6TH RESPONDENT.

RESPONDENT'S EXHIBITS:-

- EXT.R5A COPY OF THE G.O.(MS) NO.43/2005/G.EDN. DATED 11/02/2005.
- EXT.R5B COPY OF THE STAFF FIXATION ORDER FOR THE YEAR 2011-12.
- EXT.R5C COPY OF THE G.O.(MS)76/2013 DATED 23/02/2013.
- EXT.R5D COPY OF THE JUDGMENT IN WP(C).NO.20849/2013.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

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**W.P.(C).No.13177 of 2014**  
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Dated this the 24th day of March, 2015

J U D G M E N T

This writ petition is filed by a person who is working as a Higher Secondary School Teacher (for short, "HSST") in Mundur Higher Secondary School. The petitioner's claim for placement, to put in-charge as the Principal, has been upheld by the Regional Deputy Director of Higher Secondary Education as per Ext.P6. However, this was turned down by the Director of Higher Secondary Education as per Ext.P7. Ext.P7 order is under challenge in this writ petition.

2. The petitioner relies on Ext.P3 government order wherein it is stipulated that in the absence of qualified hands, the senior-most HSST will be put in-charge of the Principal. According to the

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petitioner, as per the above government order, the petitioner is entitled to be put in-charge of the Principal.

3. In this matter another claimant for the post of Principal-in-charge filed a detailed counter affidavit. He relies on another government order issued subsequently produced as Ext.R5(a) wherein the word 'senior-most' has been clarified. Clause 2(ii) of Ext.R5(a) reads as follows:

“2(ii): “The wording 'senior-most' Higher Secondary School Teacher mentioned in the 2nd para of the Government Order read as 3rd paper above is clarified as senior-most in total approved teaching experience both in the Higher Secondary and High School Levels.”

Therefore, it is contended by the learned counsel for the fifth respondent that the fifth respondent is the senior-most by reckoning total teaching experience in both Higher Secondary and High School levels.

4. In the light of Ext.R5(a), I am of the view that Ext.P7 order is perfectly legal and sustainable.

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If the petitioner has any grievance, she is at liberty to challenge Ext.R5(a) order if so warranted in accordance with law. With that liberty, this writ petition is dismissed.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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