

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 8TH DAY OF JANUARY 2015/18TH POUSHA, 1936

WP(C).No. 13931 of 2014 (N)

PETITIONER(S):

**G.S SHEEJA,
LOWER PRIMARY SCHOL ASSISTANT,
NJARACKAL LOWER PRIMARY SCHOOL,
KOLLAM SUB DISTRICT,
KOLLAM.
RESIDING AT KANALIL VEEDU, PRAKKULAM.P.O.,
KOLLAM.**

BY ADV. SRI.K.S.ARUNDAS

RESPONDENT(S):

- 1. SECRETARY TO GOVERNMENT,
KERALA GENERAL EDUCATION DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.**
- 2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM, KERALA, PIN 695 001.**
- 3. THE ASSISTANT EDUCATIONAL OFFICER,
OFFICE OF THE AEO, KOLLAM, 691 013.**
- 4. THE MANAGER,
NJARACKAL LOVER PRIMARY SCHOOL, KOLLAM SUB DISTRICT,
KOLLAM, PIN 691 601.**

**R1-R3 BY ADV. LIJU V. STEPHEN, GOVERNMENT PLEADER
R4 BY ADV. SRI.LIJIN THAMBAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

DG

APPENDIX

PETITIONER(S)' EXHIBITS:

- P1. COPY OF THE APPOINTMENT ORDER.
- P2. COPY OF THE ORDER OF THE SECOND RESPONDENT RESTORING A DIVISION AND A POST OF LPSA.
- P3. COPY OF THE PETITION DATED 9-7-2011 FILED BY THE PETITIONER BEFORE THE THIRD RESPONDENT.
- P4. COPY OF THE ORDER OF THE SECOND RESPONDENT.
- P5. COPY OF THE ORDER OF THIRD RSPONDENT.

RESPONDENT(S)' EXHIBITS - NIL

//TRUE COPY//

PA TO JUDGE

THOTTATHIL B.RADHAKRISHNAN

W.P.(C) No.13931 of 2014

Dated this the 8th day of January, 2015

J U D G M E N T

The short issue is as to whether the writ petitioner is eligible to be approved as against a vacancy of L.P.S.A in a school, with effect from 1.6.2009. The question whether such a vacancy was available or not would ultimately depend upon the contents of Exhibit P2 order of the Director of Public Instructions. As is discernible from that order itself, the jurisdictional AEO was against the manager's request and the AEO's views were overruled by the Director of Public Instructions. Ultimately, when the petitioner sought her appointment to be approved with effect from 1.6.2009, that stands rejected at the hands of the AEO. In such a case, it would have been only appropriate that the counter affidavit of the statutory authorities ought to have come from the office of the Director of Public Instructions rather than the office of the AEO who had opposed even the sanctioning of a post.

On the totality of the facts and circumstances, I am of the considered view that this is a case which ought to gain the attention of the Director of Public Instructions for appropriate consideration of a representation from the petitioner. The manager of the school shall also be heard in the matter. Such representation shall be treated as request to intervene with the orders of the AEO which are impugned in this writ petition. The Director Pubic Instructions will thereupon consider the matter, particularly in the light of Exhibit P2 and issue appropriate orders. All issues are left open and the writ petition is ordered accordingly, requiring the petitioner to place her representation in the office of the Director of Public Instructions, within a period of 45 days from today.

Sd/-
(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

//TRUE COPY//

P.A TO JUDGE

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