

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 23RD DAY OF JANUARY 2015/3RD MAGHA, 1936

WP(C).No. 17338 of 2013 (N)

PETITIONER :

**SHYNI P.N., WIFE OF AJITH, AGED 39 YEARS,
UPPER PRIMARY SCHOOL ASSISTANT,
M.S.P.HIGHER SECONDARY SCHOOL, MALAPPURAM DISTRICT.**

**BY ADVS.SRI.V.A.MUHAMMED
SRI.K.E.HAMZA**

RESPONDENTS :

- 1. THE STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT
SECRETARIAT THIRUVANANTHAPURAM-695 001.**
- 2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
JAGATHY, THIRUVANANTHAPURAM-695 014**
- 3. THE DEPUTY DIRECTOR OF EDUCATION,
DOWN HILL, MALAPPURAM DISTRICT - 676 519.**
- 4. THE DISTRICT EDUCATIONAL OFFICER,
MALAPPURAM DISTRICT - 676 519.**
- 5. THE COMMANDANT
MALABAR SPECIAL POLICE, MALAPPURAM (MANAGER
M.S.P.HIGHER SECONDARY SCHOOL, MALAPPURAM)**

***ADDL. R6 & R7 IMPEADED :**

- *6. JAYA VIDYA.K.
UPPER PRIMARY SCHOOL ASSISTANT
M.S.P. HIGHER SECONDARY, MALAPPURAM.
ADDL. R6 IS IMPEADED AS PER ORDER DATED 26/11/2013 IN IA 15568/2013.**

WP(C).No. 17338 of 2013 (N)

*** 7. SHEEBA, AGED 40 YEARS, W/O.ANIL, PRAVANAM
VELLUTHEDUMANNA, MALAPPURAM
WORKING ON DAILY WAGE BASIS IN UPSA (LS), MSP HSS
UP-HILL P.O., MALAPPURAM.
(ADDL. R7 IS IMPEADED AS PER ORDER DATED 02.01.2014 IN IA. 17488/2013)**

**R1 TO R4 BY GOVERNMENT PLEADER SMT. SUNITHA VINOD
R5 BY ADV. SRI.P.C.SASIDHARAN
R6 BY ADVS. SRI.S.P.ARAVINDAKSHAN PILLAY
SMT.N.SANTHA
SRI.K.A.BALAN
SRI.PETER JOSE CHRISTO
SRI.S.A.ANAND
BY ADV. SRI.C.V.MANUVILSAN
BY ADV. SRI.P.K.KHALEEMUDHEEN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 23-01-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF THE ORDER OF THE 5TH RESPONDENT
DATED 23-6-2008
- EXT.P2: TRUE COPY OF THE RELEVANT PAGE OF THE KERALA EDUCATION
RULES.
- EXT.P3: TRUE COPY OF THE DECISION REPORTED IN 2010(2) KLT 630 (SC)
DATED 3-5-2010.
- EXT.P4: TRUE COPY OF THE G.O(P)NO.2/2009/G.EDN. DATED 5-1-2009 OF THE
GOVERNMENT.
- EXT.P5: TRUE COPY OF THE G.O(P)NO.114/10/G.EDN. DATED 14-7-2010 OF
THE GOVERNMENT.
- EXT.P6: TRUE COPY OF THE DECISION REPORTED 2013(2)KLT SN 52 (C.NO.60)
DATED 5-4-2013.
- EXT.P7: TRUE COPY OF THE PETITION FILED BEFORE THE MANAGER
DATED 6-5-2013.
- EXT.P8: TRUE COPY OF THE PETITION FILED BEFORE THE MANAGER
DATED 1-6-2013.
- EXT.P9: TRUE COPY OF THE NOTIFICATION PUBLISHED IN MATHRUBHOOMI
DATRED 14-6-2013
- EXT.P10: COPY OF THE LETTER OF THE PETITIONER DT 24/7/2013 ALONG WITH
POSTAL RECEIPT.
- EXT.P11: COPY OF THE WORK ALLOTMENT TIME TABLE (OLD AND NEW)
- EXT.P12: COPY OF THE TEACHING NOTE PREPARED BY THE PETITIONER.

RESPONDENT(S)' EXHIBITS :

- EXT.R5(A): COPY OF THE MARK LIST IN BA (ENGLISH) OF THE PETITIONER
- EXT.R5(B): COPY OF THE G.O.(P) NO. 209/2012G. EDN. DT 27/6/2012.
- EXT.R5(C): COOPY OF THE PROCEEDINGS CONSTITUTING THE BOARD
DT 2/7/2013.

//TRUE COPY//

P.S. TO JUDGE

A.V.RAMAKRISHNA PILLAI, J

WPC No.17338 of 2013

Dated this the 23rd day of January, 2015

JUDGMENT

The petitioner has come up before this Court alleging that without considering Exts.P7 and P8 representations submitted by the petitioner, the 5th respondent Manager invited applications for appointing fresh hands in the school with *mala fide* motive. The petitioner seeks interference in the matter.

2. Today when the matter came up for hearing, the learned counsel for the petitioner submitted that subsequent to the filing of this writ petition, the petitioner has submitted a representation before the 4th respondent on 17.1.2015 and the learned counsel for the petitioner confined her argument to the limited prayer for a direction to the 4th respondent to consider the representation so submitted.

In the light of the above, this writ petition is disposed of directing the 4th respondent to consider the

representation dated 17.1.2015 submitted by the petitioner within a period of one month from the date of receipt of a copy of this judgment.

To facilitate speedy action, it shall be open to the petitioner to produce a copy of the aforesaid representation along with a copy of this judgment and a copy of the writ petition before the 4th respondent at the earliest. Before passing final orders in the matter, the 4th respondent shall hear the petitioner and other interested parties. The petitioner shall serve a copy of the representation submitted before the 4th respondent to other respondents, without delay.

sd/-A.V.RAMAKRISHNA PILLAI
JUDGE

css/