

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

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

WP(C).No. 18063 of 2013 (G)

PETITIONER(S):

- 1. PRAJEESH A.,
LOWER PRIMARY SCHOOL ASSISTANT,
PARAMMAL ALPBS, AZHINHILAM, AZHINHILAM P.O.,
MALAPPURAM DISTRICT.**
- 2. THE MANAGER, PARAMMAL ALPBS, AZHINHILAM,
AZHINHILAM P.O., MALAPPURAM DISTRICT.**

**BY ADVS.SRI.K.JAJU BABU
SMT.M.U.VIJAYALAKSHMI
SRI.BRIJESH MOHAN
SRI.T.R.SADEESAN**

RESPONDENT(S):

- 1. STATE OF KERALA,REPRESENTED BY
SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT,
GOVERNMENT SECRETARIAT, TRIVANDRUM - 695 001.**
- 2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
JAGATHY, TRIVANDRUM - 695 014.**
- 3. THE DEPUTY DIRECTOR OF EDUCATION,
MALAPPURAM - 676 505.**
- 4. THE DISTRICT EDUCATIONAL OFFICER,
MALAPPURAM - 676 505.**
- 5. THE ASSISTANT EDUCATIONAL OFFICER,
KONDOTTY - 673 638.**

BY GOVERNMENT PLEADER SMT.LILLY.K.T

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

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APPENDIX

PETITIONER(S)' EXHIBITS:

- EXHIBIT P1: COPY OF THE APPOINTMENT ORDER OF THE 1ST PETITIONER
DATED 19.08.2009 ISSUED BY THE 2ND PETITIONER.
- EXHIBIT P2: COPY OF THE ORDER NO.LDIS.C/5641/2009 DATED 11.01.2010 ISSUED
BY THE 5TH RESPONDENT.
- EXHIBIT P3: COPY OF THE ORDER NO.K.DIS.B1/1704/2010 DATED 21.10.2010
ISSUED BY THE 4TH RESPONDENT.
- EXHIBIT P4: COPY OF THE ORDER NO.B3/32104/2010 DATED 30.05.2011 ISSUED BY
THE 3RD RESPONDENT.
- EXHIBIT P5: COPY OF THE REVISION PETITION DATED 17.01.2011 FILED BY THE
2ND PETITIONER.
- EXHIBIT P6: COPY OF THE APPEAL DATED 10.06.2011 FILED BY THE
2ND PETITIONER BEFORE THE 2ND RESPONDENT.
- EXHIBIT P7: COPY OF THE ORDER NO.G 2/57034/11/DPI/K.DIS DATED 08.05.2012
ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT P8: COPY OF THE ORDER NO.41107/B1/2012/G.EDN. DEPT.,
DATED 19.06.2013 ISSUED BY THE 1ST RESPONDENT.

RESPONDENT(S)' EXHIBITS: - NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 18063 of 2013

Dated this the 8th day of January, 2015

J U D G M E N T

Aggrieved by the rejection of appeal against Ext.P2 by the 4th respondent as per Ext.P3 and the rejection of Ext.P5 revision by Ext.P7 order, which was finally confirmed by the Government by Ext.P8, the petitioners have come up before this Court.

2. The 1st petitioner is working as Lower Primary School Assistant (LPSA) in the 2nd respondent school. He was appointed as LPSA with effect from 01.06.2009 in a leave vacancy, and subsequently, in a resignation vacancy. He was appointed in the resignation vacancy as per Ext.P1 order dated 19.08.2009 by shifting his lien from the leave vacancy to the resignation vacancy. However, the approval for the same was rejected by the 5th respondent as per Ext.P2. The 2nd petitioner preferred appeal against Ext.P2, which was rejected by the 4th

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respondent as per Ext.P3. Ext.P5 revision filed against Exts.P2 and P3 was also rejected as per Ext.P7. Ultimately, the petitioners approached the Government, which resulted in the issuance of Ext.P8 confirming Ext.P7. The grievance of the petitioners is that the impugned orders are passed without affording them an opportunity of being heard. The further grievance is that Ext.P6 appeal preferred by the 2nd petitioner before the 2nd respondent is now pending without being disposed of. It is with this background, the petitioners have come up before this Court.

3. The State has filed a counter affidavit refuting all the allegations.

4. As the grievance of the petitioners is that the impugned orders are passed without affording them an opportunity of being heard and Ext.P6 appeal has not been considered till date, this Court is of the view that it is only just and proper to afford the petitioners an opportunity to ventilate their grievance before the

Government.

Therefore, the writ petition is disposed of as follows;

- a)Ext.P8 is quashed;
- b)the matter is remitted back to the Government for fresh consideration after affording the petitioners an opportunity of being heard; and
- c)the 2nd respondent is directed to dispose of Ext.P6 appeal preferred by the 2nd petitioner after affording him an opportunity of being heard.

The entire exercise shall be completed by the respondents within a period of two months from the date of receipt of a copy of this judgment. To facilitate an early disposal, the petitioners shall be at liberty to produce a copy of this judgment along with a copy of the writ petition before the Government within a period of 15 days.

Sd/-
A.V. RAMAKRISHNA PILLAI,
JUDGE

bka/-