

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 2ND DAY OF JUNE 2015/12TH JYAISHTA, 1937

WP(C).No. 16395 of 2015 (Y)

PETITIONER :

**K.J.SHINE, AGED 44 YEARS,WIFE OF DINUS THOMAS,
UPPER PRIMARY SCHOOL ASSISTANT, ST.JOSEPH HIGH SCHOOL,
CHATHEDOM, NORTH PARAVOOR, ERNAKULAM.**

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

RESPONDENT(S):

- 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 DISTRICT EDUCATIONAL OFFICER, ALUVA,
ERNAKULAM DISTRICT-683 101**
- 4. THE CORPORATE MANAGER, CORPORATE EDUCATIONAL AGENCY,
DIOCESE OF KOTTAPURAM, P.O.KOTTAPURAM, KODUNGALLOOR,
THRISSUR DISTRICT-680 667**
- 5. SMT. SHEENA CLITUS, LOWER PRIMARY SCHOOL ASSISTANT,
STALBANA'S L.P.SCHOOL, KARA, KODUNGALLUR,
THRISSUR DISTRICT.**

R1 TO R3 BY GOVERNMENT PLEADER SMT.A.LOWSY

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 02-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).NO.16395/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE RELEVANT PAGE OF THE SERVICE BOOK OF THE PETITIONER.**
- P2 COPY OF THE ORDER NO.CEA-9/2015 DATED 27/05/2015 OF THE CORPORATE MANAGER.**
- P3 COPY OF THE APPEAL PETITION FILED BEFORE THE 2ND RESPONDENT DATED 01/06/2015 WITHOUT EXHIBIT.**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

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A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 16395 of 2015

Dated this the 2nd day of June, 2015

JUDGMENT

The petitioner, who is working as UPSA from 01.06.2011, is aggrieved by Ext.P2 order, whereby, she has been transferred to LMLP School, Kuttanellur, against a vacancy caused by the transfer of an LPSA. It is her contention in the writ petition that, going by the judgment of Full Bench of this Court in **Thresia v. Preethy** [2014 (4) KLT 837], the post of UPSA and LPSA cannot be interchanged and hence, the petitioner, who is presently a UPSA cannot be transferred to the post of an LPSA in an another School. It is pointed out that, highlighting her grievance, she has preferred Ext.P3 appeal before the 2nd respondent. The prayer in the writ petition is for a direction to the 2nd respondent to consider and pass orders on Ext.P3 appeal, within a stipulated time frame and to stay the order of transfer in Ext.P2 in the meanwhile.

2. I have heard the learned counsel appearing for the petitioner and also the learned Government Pleader for the respondents.

On a consideration of the facts and circumstances of the case and the submissions made across the bar, and and taking note of

the Full Bench decision of this Court in 2014 (4) KLT 837, I direct the 2nd respondent to consider and pass orders on Ext.P3 appeal, within a period of one month from the date of receipt of a copy of this judgment, after hearing the petitioner and other affected parties. It is made clear that, till such time as orders are passed by the 2nd respondent as directed, and communicated to the petitioner, the operation of Ext.P2 order, insofar as it relates to the petitioner, shall be kept in abeyance.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

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