

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.T.RAVIKUMAR

FRIDAY, THE 6TH DAY OF NOVEMBER 2015/15TH KARTHIKA, 1937

WP(C).No. 19602 of 2011 (A)

PETITIONERS:

1. ABDUL AZEEZ C.K.
SON OF KUNHAPPU, AGED 41 YEARS
HIGH SCHOOL ASSISTANT(SOCIAL STUDIES)
ZAINUDDEEN MEMORIAL HIGH SCHOOL, POOLAMANGALAM
TIRUR EDUCATIONAL DISTRICT.
2. A. ABIDA, HIGH SCHOOL ASSISTANT(MATHS)
ZAINUDDEEN MEMORIAL HIGH SCHOOL, POOLAMANGALAM
TIRUR EDUCATIONAL DISTRICT.
3. PRIYESH.K.K.,
HIGH SCHOOL ASSISTANT(MALAYALAM)
ZAINUDDEEN MEMORIAL HIGH SCHOOL, POOLAMANGALAM
TIRUR EDUCATIONAL DISTRICT.
4. VINOD.V.,
HIGH SCHOOL ASSISTANT(PHYSICAL SCIENCE)
ZAINUDDEEN MEMORIAL HIGH SCHOOL, POOLAMANGALAM
TIRUR EDUCATIONAL DISTRICT.
5. JEEJA.P.R.,
HIGH SCHOOL ASSISTANT(MATHS)
ZAINUDDEEN MEMORIAL HIGH SCHOOL, POOLAMANGALAM
TIRUR EDUCATIONAL DISTRICT.
6. REEJA.V.P.,
HIGH SCHOOL ASSISTANT(MALAYALAM)
ZAINUDDEEN MEMORIAL HIGH SCHOOL, POOLAMANGALAM
TIRUR EDUCATIONAL DISTRICT.
7. SARITHA.S.NAIR,
HIGH SCHOOL ASSISTANT (PHYSICAL SCIENCE)
ZAINUDDEEN MEMORIAL HIGH SCHOOL, POOLAMANGALAM
TIRUR EDUCATIONAL DISTRICT.
8. RENJINI.M.P.,
HIGH SCHOOL ASSISTANT(MATHS)
ZAINUDDEEN MEMORIAL HIGH SCHOOL, POOLAMANGALAM
TIRUR EDUCATIONAL DISTRICT.

9. THESLI.M.M.,
HIGH SCHOOL ASSISTANT(NATURAL SCIENCE)
ZAINUDDEEN MEMORIAL HIGH SCHOOL, POOLAMANGALAM
TIRUR EDUCATIONAL DISTRICT.

10. DEEPA SEBASTIAN,
HIGH SCHOOL ASSISTANT(ENGLISH)
ZAINUDDEEN MEMORIAL HIGH SCHOOL, POOLAMANGALAM
TIRUR EDUCATIONAL 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
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.
2. THE DIRECTOR OF PUBLIC INSTRUCTION,
JAGATHI, THIRUVANANTHAPURAM-695014.
3. THE DEPUTY DIRECTOR OF EDUCATION,
MALAPPURAM DISTRICT-676505.
4. THE DISTRICT EDUCATIONAL OFFICER,
TIRUR, MALAPPURAM DISTRICT-676101.
5. THE MANAGER, MAJMA-U-HIGH SCHOOL,
VETTICHIRA, TIRUR, MALAPPURAM DISTRICT-676101.

R5 BY ADV. SRI.P.K.IBRAHIM

R1 TO R4 BY ADV. GOVERNMENT PLEADER SRI.PADMALOCHANAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
06-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS:

- EXT.P1: TRUE COPY OF THE ORDER OF APPOINTMENT OF THE 1ST PETITIONER
DTD. 15.7.1997.
- EXT.P2: TRUE COPY OF THE ORDER OF APPOINTMENT OF THE 2ND PETITIONER
DTD. 10.6.1998.
- EXT.P3: TRUE COPY OF THE ORDER OF APPOINTMENT OF THE 3RD PETITIONER
DTD. 27.7.1998.
- EXT.P4: TRUE COPY OF THE ORDER OF APPOINTMENT OF THE 4TH PETITIONER
DTD. 1.6.1999.
- EXT.P5: TRUE COPY OF THE ORDER OF APPOINTMENT OF THE 5TH PETITIONER
DTD. 3.8.1999.
- EXT.P5(a): TRUE COPY OF THE ORDER OF APPOINTMENT OF THE 5TH
PETITIONER DTD. 5.6.2000.
- EXT.P6: TRUE COPY OF THE ORDER OF APPOINTMENT OF THE 6TH PETITIONER
DTD. 24.1.2000.
- EXT.P7: TRUE COPY OF THE ORDER OF APPOINTMENT OF THE 7TH PETITIONER
DATED 7.6.2001.
- EXT.P8: TRUE COPY OF THE ORDER OF APPOINTMENT OF THE 8TH PETITIONER
14.1.2002.
- EXT.P9: TRUE COPY OF THE ORDER OF APPOINTMENT OF THE 9TH PETITIONER
DATED 9.8.2004.
- EXT.P10: TRUE COPY OF THE ORDER OF APPOINTMENT OF THE 10TH
PETITIONER DTD. 1.12.2004.
- EXT.P11: TRUE COPY OF THE G.O.(P) NO.249/10/G.Edn. OF THE GOVERNMENT
DATED 2.12.2010
- EXT.P12: TRUE COPY OF THE STAFF FIXATION ORDER 2008-2009 DTD.
30.08.2008.
- EXT.P13: TRUE COPY FO THE STAFF FIXATION ORDER 2009-2010 DTD.
31.8.2009
- EXT.P14: TRUE COPY OF THE STAFF FIXATION ORDER 2010-2011 DTD. 2.9.2010
- EXT.P15: TRUE COPY OF THE 6TH WORKING DAY STRENGTH DTD. 7.6.2011
- EXT.P16: TRUE COPY OF THE PETITION FILED BY THE MANAGER OF THE SCHOOL
DTD. 15.4.2008
- EXT.P17: TRUE COPY FO THE PETITION FILED BEFORE THE 4TH RESPONDENT
DTD. 28.10.2009.

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EXT.P18: TRUE COPY OF THE PETITION FILED BY THE STAFF SECRETARY DTD.
31.12.2009.

RESPONDENTS' EXHIBITS:

EXT.R4(a): TRUE COPY OF THE SURVEY REPORT SUBMITTED BY FOURTH
RESPONDENT TO THE DEPUTY DIRECTOR OF EDUCATION
MALAPPURAM DATED 21.7.2010.

EXT.R5(a): TRUE COPY OF THE G.O DATED 1.10.2011.

EXT.R5(b): TRUE COPY OF THE JUDGMENT DATED 11.4.2013 IN WPC NO.4612
OF 2011.

EXT.R5(c): TRUE COPY OF THE GAZETTE NOTIFICATION DATED 24.05.2010.

EXT.R5(d): TRUE COPY OF THE ORDER OF THE DEPUTY DIRECTOR OF
EDUCATION, MALAPPURAM DATED 17.09.2011.

EXT.R5(e): TRUE COPY OF THE TEMPORARY RECOGNITION ISSUED TO THE 5TH
RESPONDENT IN PURSUANCE TO EXT.P11 FOR THE YEAR 2011-2012.

EXT.R5(f): TRUE COPY OF THE TEMPORARY RECOGNITION ISSUED TO THE 5TH
RESPONDENT IN PURSUANCE TO EXT.P11 FOR THE YEAR 2012-2013.

EXT.R5(g): TRUE COPY OF THE TEMPORARY RECOGNITION ISSUED TO THE 5TH
RESPONDENT IN PURSUANCE TO EXT.P11 FOR THE YEAR 2013-2014.

// TRUE COPY //

TKS

P.S. TO JUDGE

C.T.RAVIKUMAR, J.

W.P.(C)No.19602 of 2011

Dated 6th November, 2015

JUDGMENT

The petitioners are Teachers in Zainuddeen Memorial High School, Poolamangalam in Tirur Educational District. It is virtually apprehending retrenchment owing to the recognition granted to Majma-U-High School, Vettichira under the managership of the 5th respondent that this writ petition has been filed mainly seeking the following reliefs:-

- "i) call for the records relating to Exhibit P-11 and quash the original of the same to the extent if (sic. it) orders recognition to the 5th Respondent School by the issue of a writ of certiorari or other appropriate writ or order.
- ii) issue a writ of mandamus or other appropriate writ order or direction commanding the 1st, 2nd, 3rd and 4th Respondents to grant protection and continuity in service to the Petitioners who would be retrenched from service due to the recognition of the 4th Respondent's School."

Considering the lapse of time, very fairly it is submitted by the learned counsel for the petitioners that what survives for consideration is only with respect to prayer No.2. The learned counsel for the petitioners further submitted that in fact, the apprehension

relating the retrenchment of the petitioners was virtually, averted by the statement in paragraph 10 of the counter affidavit filed by the 4th respondent. It is stated thus:-

"Government have considered all aspects in the matter and the educational need of the locality, granted recognition to 5th respondent's school and issued G.O. (P)No.249/2010/G.E. dated 02-12-1010 (Exbt.P11 order). During 2011-12 division fall occurred in petitioner's school due to the decrease in the number of pupil than previous year. But on the issuance of Government order G.O.(P)199/2011/G.Edn. dated 1.10.2011 and the declaration of Teacher's package by the Government the petitioners were not affected the problem of retrenchment."

It is obvious from the statements in paragraph 10 of the counter affidavit filed by the 4th respondent that in the light of the order viz., G.O.(P) 199/2011/G.Edn. dated 1.10.2011 and also the declaration of Teacher's package by the Government the petitioners would not be affected by the problem of retrenchment. In the said circumstances, recording the said specific statement and giving liberty to the petitioners, in case any grievance occurs with respect to the issue related to prayer No.2, to take up the matter appropriately, this writ petition is closed.

Sd/-
C.T.RAVIKUMAR
Judge

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