

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 21ST DAY OF JULY 2015/30TH ASHADHA, 1937

WP(C).No. 16678 of 2015 (H)

PETITIONER(S):

**ASWATHY PR. AGED 35 YEARS
D/O.RADHAMANI, MULLASSERIVELI, MUHAMMA PO
ALAPPUZHA**

**BY ADVS.SRI.R.T.PRADEEP
SMT.M.BINDUDAS**

RESPONDENT(S):

- 1. PRINCIPAL SECRETARY
GENERAL EDUCATION DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM 695001**
- 2. REGIONAL DIRECTOR
OFFICE OF REGIONAL DIRECTOR OF HIGHER SECONDARY EDUCATION
VAISHAKARAKUNNU, KOTTAYAM 686001**
- 3. DIRECTOR OF PUBLIC INSTRUCTION
OFFICE OF DIRECTOR OF PUBLIC INSTRUCTION
THIRUVANANTHAPURAM 695001**
- 4. DISTRICT EDUCATIONAL OFFICER
DEO OFFICE, CHERTHALA 688524**
- 5. K.K.MANGALANANDAN, MANAGER, AB VILASAM
HIGHER SECONDARY SCHOOL, MUHAMMA, ALAPPUZHA 688525**
- 6. T.P.VJAYALAKSHMI, HIGH SCHOOL ASSISTANT
AB VILASAM HIGHER SECONDARY SCHOOL, MUHAMMA
ALAPPUZHA 688525**
- 7. SABUMON.M.V, UPPER PRIMARY SCHOOL ASSISTANT
AB VILASAM HIGHER SECONDARY SCHOOL, MUHAMMA
ALAPPUZHA 688525**

**R6 BY ADV. SRI.K.JAJU BABU (SR.)
R6 BY ADV. SMT.M.U.VIJAYALAKSHMI
R5 BY ADV. SRI.BRIJESH MOHAN
R77 BY ADV. SRI.PRATHEUSH.M.ANAND
R BY GOVERNMENT PLEADER**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
21-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF THE CERTIFICATE DATED 23.01.2014 AS TO ACQUISITION OF B.ED IN THE SUBJECT OF PHYSICAL SCIENCE IN THE EXAMINATION HELD IN NOVEMBER 2012
- EXT.P2; TRUE COPY OF INFORMATION DATED 29.06.2014 UNDER RIGHT TO INFORMATION ACT AS TO FILLING UP OF VACANCY OF HEADMISTRESS WITH EFFECT FROM 01.04.2014
- EXT.P3: TRUE COPY OF REPRESENTATION DATED 03.06.2014 BEFORE MANAGER RAKING UP CLAIM FOR PROMOTION AS HSA PHYSICAL SCIENCE
- EXT.P4: TRUE COPY OF REPRESENTATION DATED 3.06.2014 BEFORE DEO RAKING UP CLAIM FOR PROMOTION AS HSA PHYSICAL SCIENCE
- EXT.P5: TRUE COPY OF REPORT OF DEO DATED 08.10.2014
- EXT.P6: TRUE COPY OF ORDER DATED 12.11.2014 BY DPI AFFIRMING THE REJECTION OF APPOINTMENT OF 6TH RESPONDENT AS HSA PHYSICAL SCIENCE IN THE VACANCY ARISEN BY DEO
- EXT.P7: TRUE COPY OF REPRESENTATION DATED 24.10.2014 BY PETITIONER WHICH WAS RETURNED BY HEAD MISTRESS ON BEING DECLINED BY MANAGER
- EXT.P8: TRUE COPY OF REPRESENTATION DATED 27.10.2014 WHICH WAS SENT BY REGISTERED POST AND RETURNED AS UNSERVED
- EXT.P9: TRUE COPY OF REPRESENTATION DATED 27.10.2014 BEFORE DEO, CHERTHALA
- EXT.P10: TRUE COPY OF JUDGMENT DATED 30.03.2015 IN WPC.NO.10161/2015
- EXT.P11: TRUE COPY OF ORDER NO.B3/2476/2015/K.DIS DATED 28.04.2015 PASSED BY 4TH RESPONDENT
- EXT.P12: TRUE COPY OF APPLICATION DATED 01.06.2015 SUBMITTED BY PETITIONER BEFORE 5TH RESPONDENT

RESPONDENT(S)' EXHIBITS

NIL

// True copy //

PA to Judge

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 16678 of 2015

Dated this the 21st day of July, 2015

JUDGMENT

The petitioner, who is a UPSA in an aided higher secondary school, is aggrieved by the non implementation of Ext.P4 order passed by the 4th respondent, whereby the manager of the school was directed to appoint the petitioner as HSA (Physical Science) to a vacancy that arose on 01.04.2014. When the writ petition came up for admission, it was noticed that, by a judgment dated 05.06.2015 in Writ Petition No.16820 of 2015, that was filed by the 6th respondent in the present writ petition, I had disposed the said writ petition with a direction to the 1st respondent to consider and pass orders on two revision petitions, that had been filed by the 6th respondent, one pertaining to a vacancy that arose with effect from 04.06.2012 and the other pertaining to the vacancy that arose with effect from 01.04.2014, after hearing the 6th respondent, within a period of two months from the date of receipt of a copy of that judgment. I had also made it clear in the said judgment that the operation of Ext.P4 in that writ petition, which is Ext.P11 in the present writ petition, would be kept in abeyance till such time as orders are passed by the 1st respondent and communicated to the petitioner in the said writ petition. The petitioner in this writ petition is a person, who seeks appointment by promotion, to the

same vacancy that arose with effect from 01.04.2014. Inasmuch as the petitioner is a rival claimant to the 6th respondent, and I have already directed the 1st respondent to consider and pass orders on a revision petition filed by the 6th respondent against Ext.P11 order, I feel it would be in the interests of justice to dispose the present writ petition with a direction to the 1st respondent to consider the contentions of the petitioner in this writ petition also, while disposing the revision petition filed by the 6th respondent, challenging Ext.P11 order, to the extent it relates to the vacancy that arose with effect from 01.04.2014.

Accordingly, I dispose the writ petition with a direction to the 1st respondent to consider the case of the petitioner in this writ petition, with regard to her claim for appointment to the vacancy in the post of HSA (Physical Science) arising with effect from 01.04.2014, while considering the revision petition filed by the 6th respondent against Ext.P11 order, pursuant to the directions in judgment dated 05.06.2015 in Writ Petition No.16820 of 2015. The petitioner shall produce a copy of this writ petition together with a copy of this judgment before the 1st respondent for further action.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE