

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 18TH DAY OF MARCH 2015/27TH PHALGUNA, 1936

WP(C).No. 16909 of 2014 (K)

PETITIONER :

**CORPORATE MANAGER
THE CORPORATE MANAGEMENT OF SCHOOLS
DIOCESE OF ALLEPPEY, P.B NO 404, ALAPPUZHA
PIN- 688001**

**BY ADVS.SRI.K.T.SHYAM KUMAR
SRI.HARISH R. MENON
SMT.K.N.SANDHYA
KUM.NAYANA K.UMESH**

RESPONDENT(S) :

- 1. STATE OF KERALA
RERPESENTED BY ITS SECRETARY
GENERAL EDUCATION DEPARTMENT,
GOVERNMENT SECRETARIAT
THIRUVANANTHAPRUAM, PIN - 695 001.**
- 2. THE DIRECTOR OF HIGHER SECONDARY EDUCATION,
HOUSING BOARD BUILDING, SANTHI NAGAR
THIRUVANANTHAPURAM, PIN – 695 001.**
- 3. THE REGIONAL DEPUTY DIRECTOR OF HIGHER SECONDARY EDUCATION,
KOTTAYAM, PIN – 680 002.**

R1 TO R3 BY SR. GOVT. PLEADER SMT. A. LOWSY

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 18-03-2015, ALONG WITH WP(C) NO. 18639/2014 & CONNECTED CASES,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

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WP(C).No. 16909 of 2014 (K)

APPENDIX

PETITIONERS' EXHIBITS :

- EXHIBIT P1 TRUE COPY OF THE GO(MS) NO. 167/11/G. EDN DATED 03-08-2011.
- EXHIBIT P2 TRUE COPY OF THE PERFORMA FOR REPORTING FIXATION OF STAFF
FOR THE YEAR 2011-12 SUBMITTED BY THE PETITIONER.
- EXHIBIT P3 TRUE COPY OF THE GO.(MS).NO. 211/2013/G.EDN. DATED 15-07-2013.
- EXHIBIT P4 TRUE COPY OF THE REPRESENTATION DATED 20-07-2013 SUBMITTED
BY THE PETITIONER BEFORE THE 1ST RESPONDENT.
- EXHIBIT P5 TRUE COPY OF THE REPRESENTATION DATED 22-02-2014 SUBMITTED
BY THE PETITIONER BEFORE THE 1ST RESPONDENT.
- EXHIBIT P6 COPY OF GO (MS) NO. 121/2014/G.EDN DATED 3-7-2014 ISSUED BY
THE 1ST RESPONDENT.
- EXHIBIT P7 COPY OF THE GO (MS) NO. 398/2002/G.EDN DATED 29-11-2002 ISSUED
BY THE 1ST RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

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A. MUHAMED MUSTAQUE, J.

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**W.P.(C) No.16909,18639, 18640,
21859,21875 & 21876 of 2014**

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Dated this the 18th day of March, 2015

JUDGMENT

Petitioners are Managers of aided Higher Secondary Schools and they have appointed teachers anticipating creation of posts, on account of commencement of classes.

2. Petitioners have approached this Court on account of delay in creating posts in their schools in respect of additional batch sanctioned in the years 2011-12 and 2012-13 by the Government.

3. The learned counsel for the petitioners points out that in spite of lapse of two years, no action has been taken to create posts. The petitioners further point out that though 55 posts of HSST (Jr) were created as per GO(Ms) No.121/2014/G.Edn dated 03.07.2014, the petitioners' schools are singled out for no obvious reasons.

4. The learned Government Pleader points out that there was certain anomaly in sanctioning additional batches accordingly Ext.P5 was issued. Petitioners have certain

objections regarding exclusion of creation of posts in certain districts.

5. The learned Government Pleader further submits that the matter is now pending for active consideration before the Government and a decision will be taken by the Government very soon.

6. I am of the view that once additional batch is sanctioned, a decision has to be taken by the Government for creating the posts, otherwise it will affect large number of teachers who were appointed in the school based on the sanction of additional teachers. Therefore, a decision shall be taken by the Government to give effect to the decision of sanctioning additional batches. Appropriate decision shall be taken in this matter by the Government within two months from the date of receipt of a copy of this judgment.

These writ petitions are disposed of. All other issues in these writ petitions shall be kept open.

A. MUHAMED MUSTAQUE, JUDGE

sj