

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

FRIDAY, THE 27TH DAY OF FEBRUARY 2015/8TH PHALGUNA, 1936

WP(C).No. 17140 of 2014 (N)

PETITIONER:

SHEEBA T. N.
W/O. C.G.VISWAJITH, AGED 34, LOWER GRADE TEACHER, CCPLM
ANGLO INDIAN HIGH SCHOOL, PERYMANOOR
ERNAKULAM DISTRICT
RESIDING AT POTTANAMKERY COLONY ROAD, CHILAVANOOR
KADAVANTHARA, KOCHI-20.

BY ADVS. SRI.R.LAKSHMI NARAYAN
SMT.R.RANJINI

RESPONDENTS:

1. THE STATE OF KERALA
REP.BY ITS SECRETARY TO GOVERNMENT
GENERAL EDUCATION DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM-695 014.
2. THE ADDITIONAL DEPUTY DIRECTOR OF PUBLIC INSTRUCTIONS
(GENERAL)
OFFICE OF THE DEPUTY DIRECTOR OF PUBLIC INSTRUCTIONS
JAGATHY, THIRUVANANTHAPURAM-695 014.
3. THE DEPUTY DIRECTOR OF EDUCATION
KAKKANAD, ERNAKULAM-682 030.
4. THE DISTRICT EDUCATIONAL OFFICER
ERNAKULAM DISTRICT-682 011.
5. THE CHAIRMAN AND CORPORATE MANAGER
CENTRAL BOARD OF ANGLO INDIAN EDUCATIONAL AGENCY
PERYMANOOR, ERNAKULAM DISTRICT-682 015.
6. V.S.BINDU
LG HINDI TEACHER, LORETO ANGLO INDIAN HIGH SCHOOL
SAUDI, KOCHI.

* ADDL. R7

THE HEADMISTRESS OF CCPLM, ANGLO INDIAN HIGH SCHOOL,
PERUMANOOR, ERNAKULAM DISTRICT, KOCHI - 682 015.

*[ADDL.R7 IS IMPEADED AS PER ORDER DATED 17.10.2014 IN IA
13691/14]

R1-R4 GOVT. PLEADER SRI.P.K.ABDUL RAHMAN
R5 ADV. SRI.R.SUDHISH
R6 ADV. SRI.K.A.MANZOOR ALI
R7 ADV. SMT.ELIZABETH OLIVER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
27-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

P1 : COPY OF THE APPOINTMENT ORDER DTD.31.7.2009 ISSUED TO THE PETITIONER.

P2 : COPY OF THE ORDER DTD.16.4.2010 OF THE 4TH RESPONDENT.

P3 : COPY OF THE REPRESENTATION DTD.28.6.2010.

P4 : COPY OF THE REPRESENTATION DTD.15.1.2014.

P5 : COPY OF THE JUDGMENT DTD.18.2.2014 IN WPC NO.3481 OF 2014.

P6 : COPY OF THE REPRESENTATION DTD.18.3.2014.

P7 : COPY OF THE VERSION FILED BEFORE THE 2ND RESPONDENT.

P8 : COPY OF THE ORDER OF THE 2ND RESPONDENT DTD.17.6.2014.

P9 : COPY OF REPRESENTATION DTD.3.7.2014 SUBMITTED BEFORE THE 1ST RESPONDENT.

P10: THE PHOTOCOPY OF THE NOTICE DT 29/8/14.

P11: THE PHOTOCOPY OF THE ORDER DATED 1/9/14.

P12:- THE PHOTOCOPY OF THE ORDER DATED 27/11/14.

P13: THE PHOTOCOPY OF THE ORDER DATED 06/1/15.

P14: THE PHOTOCOPY OF THE ARGUMENT NOTE

P15: THE PHOTOCOPY OF THE LETTER DATED 23/10/14.

P16: THE PHOTOCOPY OF THE HEARING NOTICE DATED 4/11/14.

P17: THE PHOTOCOPY OF THE SUSPENSION ORDER DATED 13/1/15.

RESPONDENT(S)' EXHIBITS

EXT.R6(a):- THE TRUE COPY OF THE RELIEVING ORDER OF THE 6TH RESPONDENT DATED 03/07/14 OF THE HEADMISTRESS LORATTO ANGLO INDIAN HIGH SCHOOL, SAUDI, KOCHI.

EXT.R6(b):- THE TRUE COPY OF THE JOINING REPORT DATED 03/07/14 OF THE HEADMISTRESS CCPLM ANGLO INDIAN HIGH SCHOOL PERUMANOOR.

EXT.R6(c):- THE TRUE COPY OF THE ATTENDANCE REGISTER IN THE MONTH OF JULY SHOWING MY ATTENDANCE IN THE SCHOOL FROM 03/07/14 TO 14/07/14.

EXT.R6(d):- THE TRUE COPY OF THE APPOINTMENT ORDER OF 6TH RESPONDENT DATED 14/10/08.

EXT.R6(e):- THE TRUE COPY OF THE APPOINTMENT ORDER DATED 01/06/09 POSTING 6TH RESPONDENT WITH FULL SALARY.

EXT.R5(a):- COPY OF THE ORDER PASSED BY THE 5TH RESPONDENT DT 3/7/14.

EXT.R5(b):- COPY OF THE COVERING LETTER DULY ACKNOWLEDGED BY THE CONCERNED PERSON AT THE OFFICE OF THE DISTRICT EDUCATIONAL OFFICER DT. 3/7/14.

EXT.R5(c):- COPY OF THE RELIEVING ORDER DATED 3/7/14 OF THE HEADMISTRESS OF LORETO ANGLO INDIAN HIGH SCHOOL.

EXT.R5(d):- COPY OF THE JOINING REPORT DT 3/7/14 OF THE HEADMISTRESS OF CCPLM ANGLO INDIAN HIGH SCHOOL.

EXT.R5(e):- COPY OF THE ORDER OF THE 2ND RESPONDENT DT 7/5/14 GRANTING EXTENSION OF LEAVE TO ROSE TWINY LUIZ.

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BABU MATHEW P. JOSEPH, J.

W.P.(C) No.17140 of 2014

Dated this the 27th day of February, 2015

JUDGMENT

The dispute involved in this writ petition is essentially in regard to the claim of the petitioner as well as the sixth respondent to the post of Lower Grade Hindi Teacher under the fifth respondent Management.

2. Heard the learned counsel appearing for the petitioner, learned Government Pleader appearing for the respondents 1 to 4, learned counsel appearing for the fifth respondent and the learned counsel appearing for the sixth respondent. No representation for the additional seventh respondent despite serving notice on her.

3. The dispute with regard to the claims of the petitioner and the sixth respondent is pending in the revision petition preferred by the petitioner before the first respondent. That revision petition is yet to be considered and disposed of. In such a circumstance, this writ petition

can be disposed of with a direction to the first respondent to consider and dispose of Ext.P9 revision petition on merits within a time frame.

4. This Court as per orders passed on 22-09-2014 and on 22-11-2014 directed to disburse salary to the petitioner. Learned counsel for the petitioner submits that so far she could not enjoy the benefit of those orders due to the inaction on the part of the concerned authorities. Therefore, the disposal of this writ petition is without prejudice to the right of the petitioner to claim salary on the strength of those two orders passed by this Court. It is also made clear that till the disposal of Ext.P9 revision petition, the parties concerned shall maintain the status quo obtained as on today.

5. In the result, the first respondent is directed to take up, consider and dispose of Ext.P9 revision petition within a period of 45 days from the date of receipt of a copy of this judgment after affording an opportunity of being heard to the petitioner, fifth respondent and the sixth respondent.

The petitioner and the respondents 5 and 6 are free to submit further materials, if any, in support of their contentions before the first respondent while considering Ext.P9.

The fourth respondent shall take speedy steps for disbursing salary to the petitioner as directed in the interim orders passed by this Court mentioned earlier.

This writ petition is disposed of as above.

Sd/-
BABU MATHEW P. JOSEPH
JUDGE

kns/-

//TRUE COPY//

P.A. TO JUDGE