

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 8TH DAY OF JUNE 2015/18TH JYAISHTA, 1937

WP(C).No. 16985 of 2015 (W)

PETITIONER(S):

**MITHUNLAL R.J., AGED 24 YEARS
S/O.LATE RAMAKRISHNAN, VELATHUR HOUSE
CHEMMANCHERRY P.O., KOYILANDY (VIA)
KOZHIKODE DISTRICT.**

**BY ADVS.SRI.K.MOHANAKANNAN
SMT.A.R.PRAVITHA
SMT.D.S.THUSHARA
SRI.H.PRAVEEN (KOTTARAKARA)**

RESPONDENT(S):

- 1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO GOVERNMENT GENERAL
EDUCATION
THIRUVANANTHAPURAM -695 001.**
- 2. ASST.EDUCATIONAL OFFICER,
KOYILANDY, KOZHIKODE - 673 305.**
- 3. THE MANAGER
K.K.KIDAVU MEMORIAL UF SCHOOL, CHELIYA
KOYILANDY - 673 306.**

R BY GOVERNMENT PLEADER SMT.LOWSY.A.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
08-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P-1: TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT ON 21.10.2009 WITH APPLICATION FOR EMPLOYMENT UNDER THE COMPASSIONATE EMPLOYMENT SCHEME WITH ANNEXURE.

EXT.P-2: TRUE COPY OF THE POSTAL ACKNOWLEDGEMENT IN RESPECT OF EXT.P1 DATED 5.11.2009

EXT.P-3: TRUE COPY OF THE LETTER 13.7.2010 ISSUED BY THE 2ND RESPONDENT TO THE 3RD RESPONDENT

EXT.P-4: TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 13.5.2015 WITH ACKNOWLEDGEMENT RECEIPT

EXT.P-5: TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE THE 3RD RESPONDENT DATED 13.5.2015 WITH ACKNOWLEDGEMENT RECEIPT.

RESPONDENT(S)' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.16985 OF 2015 (W)

Dated this the 8th day of June, 2015

J U D G M E N T

The petitioner, who is stated to be a Rule 51B claimant under the Kerala Education Rules, pursuant to the death of his father who died on 18.9.2009 while working as a Lower Primary School Assistant in the School, has submitted Ext.P1 application before the 3rd respondent. It is pointed out that Ext.P3 direction was issued by the 2nd respondent Assistant Educational Officer to the 3rd respondent Manager to appoint the petitioner in the next arising vacancy in the school, and to intimate the petitioner of the same. According to the petitioner, notwithstanding the issuance of a positive direction by the 2nd respondent, the 3rd respondent has not taken any steps to appoint the petitioner despite the fact that there is a vacancy which arose on 1.6.2015 in the School. The petitioner has therefore preferred Ext.P5 representation before the 3rd respondent. In the writ petition, the limited prayer of the petitioner is for a direction to the 3rd respondent to consider and pass orders on Ext.P5 representation, taking note of the directions issued by the 2nd respondent in Ext.P3.

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

On a consideration of the facts and circumstances of the case as also the submissions made across the bar, I dispose the writ petition with a direction to the 3rd respondent to consider and pass orders on Ext.P5 representation, preferred by the petitioner, before him, in the light of Ext.P3 direction issued by the 2nd respondent Assistant Educational Officer. The 3rd respondent shall pass orders in the matter, after hearing the petitioner, within a period of one month from the date of receipt of a copy of this judgment. I make it clear that till such time as the 3rd respondent passes orders as directed above, and communicates the same to the petitioner, the vacancy arising to the post of Hindi Teacher (Junior) in the School with effect from 1.6.2015, shall not be filled up.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp