

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

THURSDAY, THE 11TH DAY OF JUNE 2015/21ST JYAISHTA, 1937

WP(C).No. 17541 of 2015 (P)

PETITIONER(S):

**K.T.NADEEM AGED 30 YEARS
S/O.HAMSA
NOW WORKING AS LOWER PRIMARY SCHOOL ASSISTANT
AIDED UPPER PRIMARY SCHOOL, POOKKOTTUMPADAM
NILAMBUR EDUCATIONAL SUB DISTRICT
MALAPPURAM DISTRICT-679332.**

**BY ADVS.SRI.V.A.MUHAMMED
SRI.M.SAJJAD**

RESPONDENT(S):

- 1. THE STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT
GENERAL EDUCATION DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM-695001.**
- 2. THE DIRECTOR OF PUBLIC INSTRUCTION
JAGATHY, THIRUVANANTHAPURAM-695014.**
- 3. THE DISTRICT EDUCATIONAL OFFICER
WANDOOR, MALAPPURAM DISTRICT-679328.**
- 4. THE ASSISTANT EDUCATIONAL OFFICER
NILAMBUR, MALAPPURAM DISTRICT-679329.**
- 5. THE MANAGER
AIDED UPPER PRIMARY SCHOOL, POOKKOTTUMPADAM
NILAMBUR EDUCATIONAL SUB DISTRICT
MALAPPURAM DISTRICT-679332.**

R1 TO R4 BY ADV.M.J. RAJASREE, SENIOR GOVERNMENT PLEADER

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11-06-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 : COPY OF THE APPOINTMENT ORDER DT.13-6-2007 AND THE APPROVAL THEREOF.
- EXT.P2 : COPY OF THE GO(RT)2783/2014/G.EDN. DT.15-7-2014 OF THE GOVERNMENT.
- EXT.P3 : COPY OF THE ORDER OF THE ASSISTANT EDUCATIONAL OFFICER DT.27-10-14.
- EXT.P4 : COPY OF THE STAFF FIXATION ORDER 2008-09 DT.14-7-2008.
- EXT.P5 : COPY OF THE STAFF FIXATION ORDER 2009-10 DT.15-10-2009.
- EXT.P6 : COPY OF THE REPRESENTATION SUBMITTED BEFORE R2 DT.11-11-14.
- EXT.P7 : COPY OF THE JUDGMENT IN WPC 33086/14 DT.9-12-14.
- EXT.P8 : COPY OF THE ORDER OF THE JOINT DIRECTOR DT.6-4-15.
- EXT.P9 : COPY OF THE HEARING NOTE WITHOUT ANNEXURE.
- EXT.P10 : COPY OF THE REVISION PETITION FILED BEFORE THE GOVERNMENT DT.5-5-2015 (WITHOUT EXHIBITS).

RESPONDENT(S)' EXHIBITS: N I L

//TRUE COPY//

P.A. TO JUDGE

JV

ANIL K. NARENDRA, J.

W.P.(C) No.17541 of 2015

Dated this the 11th day of June, 2015

JUDGMENT

The petitioner was appointed as Upper Primary School Assistant in the school managed by the 5th respondent from 13.06.2007 onwards. The said appointment was approved for the period from 13.06.2007 to 31.12.2008 on daily wage basis. Later, by Government Order dated 15.07.2014, it was ordered to approve the aforesaid appointment on scale of pay basis. Consequently, the 4th respondent, by order dated 27.10.2014, approved the appointment of the petitioner as UPSA for the period from 13.06.2007 to 31.03.2008 on scale of pay basis.

2. The grievance of the petitioner is that though sufficient divisions were admissible in the school, the 4th respondent limited the approval of appointment upto 31.03.2008. Exts.P4 and P5 are the Staff Fixation Order for the years 2008-2009 and 2009-2010. The petitioner has submitted Ext.P6 representation before the 2nd respondent to revise the Staff Fixation Orders by granting admissible divisions under 1:40 teacher-student ratio and to grant approval for his appointment.

3. During the pendency of Ext.P6, the petitioner moved this Court in W.P.(C). No.33086/2014, which was disposed of by Ext.P7 judgment. In compliance of the directions contained in Ext.P7 judgment, the 2nd respondent issued Ext.P8 order rejecting the request made in Ext.P6. It is aggrieved by Ext.P8 the petitioner filed Ext.P10 revision before the 1st respondent and the same is still pending consideration. Therefore, the petitioner has approached this Court seeking various reliefs including a writ of mandamus commanding the 1st respondent to consider and pass appropriate orders on Ext.P10 revision petition, after affording him an opportunity of being heard.

4. I heard the arguments of the learned counsel for the petitioner and the learned Government Pleader appearing for respondents 1 to 4.

5. The request made by the petition in Ext.P6 to revise the Staff Fixation Orders for the years 2008-2009 and 2009-2010 by granting admissible divisions under 1:40 teacher-student ratio and to grant approval for his appointment has been rejected by Ext.P8 order. The revision filed by the petitioner against Ext.P8, i.e., Ext.P10 is now pending consideration before the 1st respondent.

6. Considering the fact that Ext.P10 revision petition is pending consideration before the Government, I deem it appropriate to dispose of this writ petition, without going into the merits of the contentions raised by the petitioner.

In the result, this writ petition is disposed of with the following direction:

If Ext.P10 revision petition filed by the petitioner is still pending consideration, the 1st respondent shall consider and pass appropriate orders thereon, as expeditiously as possible, at any rate, within a period of three months from the date of receipt of a certified copy of this judgment, with notice to the petitioner.

SD/-
ANIL K. NARENDRAN,
JUDGE

JV