

**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. 17542 of 2015 (P)**  
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**PETITIONER(S):**  
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**SIBIL JACOB AGED 38 YEARS  
D/O.V.O.CHACKO  
HIGHER SECONDARY SCHOOL TEACHER (JUNIOR) CHEMISTRY  
MPM HIGHER SECONDARY SCHOOL, CHUNGATHARA  
MALAPPURAM DISTRICT.**

**BY ADVS.SRI.V.A.MUHAMMED  
SRI.V.RAJASEKHARAN NAIR**

**RESPONDENT(S):**  
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- 1. THE STATE OF KERALA  
REPRESENTED BY ITS SECRETARY TO GOVERNMENT  
GENERAL EDUCATION DEPARTMENT, SECRETARIAT  
THIRUVANANTHAPURAM-695001.**
- 2. THE DIRECTOR OF HIGHER SECONDARY EDUCATION  
HOUSING BOARD BUILDINGS, SANTHI NAGAR  
THIRUVANANTHAPURAM-695001.**
- 3. THE REGIONAL DEPUTY DIRECTOR OF HIGHER SECONDARY EDUCATION  
CIVIL STATION, MALAPPURAM-676505.**
- 4. THE MANAGER  
CATHOLICATE AND MD SCHOOLS CORPORATE MANAGEMENT  
DEVALOKAM, KOTTAYAM-686038.**

**R1 TO R3 BY ADV. LOWSY A., GOVERNMENT PLEADER**

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

**WP(C).No. 17542 of 2015 (P)**  
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**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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- EXT.P1 :** COPY OF THE ORDER OF THE REGIONAL DEPUTY DIRECTOR,  
THIRUVANANTHAPURAM DT.17-11-08.
- EXT.P2 :** COPY OF THE ORDER OF THE REGIONAL DEPUTY DIRECTOR,  
THIRUVANANTHAPURAM DT.28-10-2009.
- EXT.P3 :** COPY OF THE APPOINTMENT ORDER OF THE PETITIONER  
DT.20-12-2011.
- EXT.P4 :** COPY OF THE ORDER OF THE REGIONAL DEPUTY DIRECTOR,  
MALAPPURAM DT.15-10-2014.
- EXT.P5 :** COPY OF THE APPEAL FILED BEFORE THE R2 DT.31-10-2014 BY THE  
MANAGER.
- EXT.P6 :** COPY OF THE ORDER OF THE DIRECTOR OF HIGHER SECONDARY  
EDUCATION DT.16-4-15.
- EXT.P7 :** COPY OF THE DECISION REPORTED IN 2009(2)KLT 352 DT.8-4-2009.
- EXT.P8 :** COPY OF THE REVISION PETITION SUBMITTED BEFORE THE  
GOVERNMENT DT.1-6-15, WITHOUT EXHIBIT.

**RESPONDENT(S)' EXHIBITS: N I L**  
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**//TRUE COPY//**

**P.A. TO JUDGE**

**JV**

**ANIL K. NARENDRAN, J.**

**W.P.(C) No.17542 of 2015**

**Dated this the 11<sup>th</sup> day of June, 2015**

**JUDGMENT**

The petitioner has got approved service as HSST (Junior) in Chemistry in the Higher Secondary School under the Corporate Management of the 4<sup>th</sup> respondent. Her appointment for the aforesaid period was approved by Ext.P1 proceedings of the 3<sup>rd</sup> respondent dated 17.11.2008. Thereafter, by Ext.P2 proceedings of the 2<sup>nd</sup> respondent, she was appointed as HSST (Junior) in Chemistry under the 4<sup>th</sup> respondent Corporate Management for the period from 1.10.2009 to 30.09.2011 on temporary and provisional basis. Later by Ext.P3, she was re-appointed as HSST (Junior) in Chemistry with effect from 20.12.2011 against a newly sanctioned regular post in M.P.M. Higher Secondary School, Chungathara, under the 4<sup>th</sup> respondent Management. The approval for her appointment has been declined by Ext.P4 on the ground that she is not a Rule 51-A claimant as the preferential right under Rule 51-A is not introduced in Higher Secondary Schools.

2. Aggrieved by Ext.P4, the 4<sup>th</sup> respondent preferred Ext.P5 appeal before the 2<sup>nd</sup> respondent. Thereafter, the petitioner approached this Court in W.P.(C). No.644/2015 seeking early disposal of Ext.P5 appeal. This Court, by judgment dated 08.01.2015, disposed of the said writ petition, directing the 2<sup>nd</sup> respondent to consider and pass appropriate orders on Ext.P5 appeal within a period of three months. Ext.P5 appeal was rejected by Ext.P6 order passed by the 2<sup>nd</sup> respondent, for the very same reason stated in Ext.P4.

3. Against Ext.P6, the petitioner filed Ext.P8 revision before the 1<sup>st</sup> respondent, in which she has also relied on Ext.P7 judgment of this Court in **Jayasree v. Director of Higher Secondary Education [2009 (2) KLT 352]** in which a Division Bench of this Court has held that a Higher Secondary School Teacher relieved on termination of vacancy is entitled to get re-appointment when a vacancy arises in that cadre in future, even though Chapter XIV A Rule 51 has not been made applicable to Higher Secondary Schools. It is aggrieved by the delay in disposal of Ext.P8, the petitioner is before this Court in this writ petition.

4. I heard the learned counsel for the petitioner and also

the learned Senior Government Pleader for respondents 1 to 3.

5. Aggrieved by Ext.P6 order passed by the 2<sup>nd</sup> respondent, the petitioner has filed Ext.P7 revision before the 1<sup>st</sup> respondent which is still pending consideration. In Ext.P8 revision, the petitioner has raised various contentions in support of her claim for re-appointment and she has also relied on the decision in **Jayasree's case (supra)**. Since Ext.P8 revision is pending consideration before 1<sup>st</sup> respondent, I deem it appropriate to dispose of this writ petition, without going into the merits of the various contentions raised by the petitioner.

6. In the result, this writ petition is disposed of directing the 1<sup>st</sup> respondent to consider and pass appropriate orders on Ext.P8 revision petition filed by the petitioner with notice to her, 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.

Needless to say, while disposing Ext.P8, the 1<sup>st</sup> respondent shall look into various grounds raised in Ext.P8 revision petition as well as the decisions relied on by the petitioner.

SD/-  
**ANIL K. NARENDRAN,**  
**JUDGE**