

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

FRIDAY, THE 12TH DAY OF JUNE 2015/22ND JYAISHTA, 1937

WP(C).No. 17614 of 2015 (B)

PETITIONER :

JINCY.P.J
H.S.A.(MALAYALAM),
ST.JOSEPH'S AND ST.CYRIL'S HIGHER SECONDARY SCHOOL,
WEST MANGAD, PAZHANJI VIA, THRISSUR-680542.

BY ADVS.SRI.M.BALAGOVINDAN
SRI.T.K.ANANDA PADMANABHAN

RESPONDENTS :

1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.
2. DIRECTOR OF PUBLIC INSTRUCTION,
OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTION,
THIRUVANANTHAPURAM.
3. DEPUTY DIRECTOR OF EDUCATION,
OFFICE OF THE DEPUTY DIRECTOR OF EDUCATION,
THRISSUR.
4. DISTRICT EDUCATIONAL OFFICER,
OFFICE OF THE D.E.O. CHAVACAD, THRISSUR.
5. MANAGER,
ST.JOSEPH'S AND ST.CYRIL'S HIGHER SECONDARY SCHOOL,
WEST MANGAD, PAZHANJI VIA, THRISSUR-680542.

BY SR.GOVERNMENT PLEADER SMT.M.J.RAJASREE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
12-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :-

- EXHIBIT-P1: TRUE COPY OF THE APPOINTMENT ORDER DATED 25.06.2012.
EXHIBIT-P2: TRUE COPY OF THE CIRCULAR NO.31904/J2/12/G.EDN.DATED
06.06.2012.
EXHIBIT-P3: TRUE COPY OF THE ORDER IN G.O.(P) 294/2012/G.EDN DATED
20.09.2012.
EXHIBIT-P4: TRUE COPY OF THE ORDER OF DEPUTY DIRECTOR OF EDUCATION DATED
07.09.2013.
EXHIBIT-P5: TRUE COPY OF THE REVISION PETITION FILED BY THE 5TH RESPONDENT
DATED 09/10/2013.
EXHIBIT-P6: TRUE COPY OF THE REVISION PETITION FILED BY THE PETITIONER
BEFORE THE 1ST RESPONDENT DATED 10/03/2015.

RESPONDENTS' EXHIBITS :- NIL.

True copy

P.A to Judge

ANIL K.NARENDRA, J.

W.P.(C)No.17614 of 2015

Dated this the 12th day of June, 2015

JUDGMENT

The petitioner got appointment as HSA (Malayalam) in a regular vacancy that has arisen in the school managed by the 5th respondent due to transfer of Smt.Krishna Kumari.A.N. to the post of HSST with effect from 2.1.2012 till availability of K-TET qualified hand or till the vacancy exists, whichever is earlier. Ext.P1 is the order of appointment issued to the petitioner with effect from 25.6.2012 on daily wages, which appointment has already been approved by the 4th respondent for the period from 25.6.2012 to 31.3.2013 vide endorsement dated 2.2.2013 made on Ext.P1. According to the petitioner, the 5th respondent appointed her as HSA (Malayalam) on daily wages in the light of Ext.P2 circular issued by the Government as per which those teachers without K-TET can be appointed only on daily wages till the K-TET qualified hands are available for permanent appointment. But, according to the petitioner, by Ext.P3 order dated 20.9.2012 the Government

clarified that all appointments made in 2012-13 will be given approval without insisting K-TET qualification on condition that the appointees acquire K-TET within a period of 5 years from the date of joining duty.

2. Challenging the order of approval in Ext.P1 on daily wages the 5th respondent filed an appeal before the 3rd respondent, which ended in dismissal by Ext.P4. Against Ext.P4, the 5th respondent filed Ext.P5 revision, which was followed by Ext.P6 revision filed by the petitioner. Now the grievance of the petitioner is that Ext.P6 revision is still pending consideration and therefore, she is seeking a writ of mandamus commanding the 1st respondent to consider and pass appropriate orders on Ext.P6 within a time limit that may be fixed by this Court.

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

4. It is aggrieved by Ext.P4 order passed by the 3rd respondent the petitioner moved Ext.P6 revision petition before the 1st respondent. Considering the fact that Ext.P6 revision filed by the petitioner is pending consideration before the 1st respondent, 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 directing the 1st respondent to consider and pass appropriate orders on Ext.P6 revision submitted by the petitioner, with notice to the petitioner and also to the 5th respondent, Manager, 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.

ANIL K.NARENDRAN, JUDGE

skj

True copy

P.A to Judge