

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 26TH DAY OF JUNE 2015/5TH ASHADHA, 1937

WP(C).No. 17952 of 2015 (T)

PETITIONER(S):

**P.SINDHU
UPSA, VENGARI U.P.SCHOOL, VENGARI P.O.
KOZHIKODE - 673 010.**

**BY ADVS.SRI.K.LAKSHMINARAYANAN
SMT.SATHYA SHREEPRIYA**

RESPONDENT(S)/RESPONDENTS:-:

- 1. STATE OF KERALA
EDUCATION DEPARTMENT(GENERAL EDUCATION), SECRETARIAT
THIRUVANANTHAPURAM - 695 001
(REPRESENTED BY ITS SECRETARY).**
- 2. DIRECTOR OF PUBLIC INSTRUCTION
DEPARTMENT OF EDUCATION
THIRUVANANTHPURAM - 695 014.**
- 3. DISTRICT EDUCATIONAL OFFICER
KOZHIKODE - 673 001.**
- 4. ASSISTANT EDUCATIONAL OFFICER
CHEVAYUR, KOZHIKODE - 673 017.**
- 5. MANAGER
VENGARI A.U.P.SCHOOL, VENGARI P.O.
KOZHIKODE - 673 010.**
- 6. P.SAJID
LPSA, VENGARI A.U.P.SCHOOL, VENGARI P.O.
KOZHIKODE - 673 010.**

R BY GOVERNMENT PLEADER, SMT. M.J. RAJASREE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
26-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1. TRUE COPY OF THE ORDER OF THE APPOINTMENT DATED 04.06.2007 ISSUED BY THE 5TH RESPONDENT.
- EXHIBIT P2. TRUE COPY OF THE ORDER NO.ATB/1890/07 DATED 24.05.2008 ISSUED BY THE 4TH RESPONDENT.
- EXHIBIT P3. TRUE COPY OF THE ORDER NO.B/5150/2011 DATED 31.12.2011 ISSUED BY THE 4TH RESPONDENT.
- EXHIBIT P4. TRUE COPY OF HTE ORDER NO.B2/416/2012/AT DATED 19.06.2012 ISSUED BY THE 3RD RESPONDENT.
- EXHIBIT P5. TRUE COPY OF THE JUDGMENT DATED 11.11.12 IN WP(C)21010/12 ON THE FILE OF THIS HONOURABLE COURT.
- EXHIBIT P6. TRUE COPY OF THE ORDER NO.G3/27270/12/DPI/KDIS DATED 01.01.13 ISSUED BY 2ND RESPONDENT.
- EXHIBIT P7. TRUE COPY OF HTE ORDER NO.B/4997/2012 DATED 07.01.13 ISSUED BY THE 4TH RESPONDENT.
- EXHIBIT P8. TRUE COPY OF THE NOTICE BEARING NO.B1263/2015 DATED 10.04.2015 ISSUED BY THE SR.SUPERINTENDENT OF OFFICE OF THE 4TH RESPONDENT.
- EXHIBIT P9. TRUE COPY OF THE ORDER NO.KDIS/B/1263/2015 DATED 24.04.15 ISSUED BY 4TH RESPONDENT.
- EXHIBIT P10. TRUE COPY OF THE REPLY No.A2659/2015 DATED 11.06.2015 RECEIVED FROM THE OFFICE OF THE 4TH RESPONDENT.

RESPONDENT(S)' EXHIBITS

nil

// True copy //

das

PA to Judge

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 17952 of 2015

Dated this the 26th day of June, 2015

JUDGMENT

The petitioner, who was appointed as Assistant Teacher on 04.06.2007, is aggrieved by Ext.P9 order passed by the 4th respondent in connection with the approval to his appointment in the school. The main contention in the writ petition is that Ext.P9 order, passed by the 4th respondent, was pursuant to Ext.P8 notice, that was issued by the Senior Superintendent attached to the Office of the 4th respondent, and a hearing was conducted by the said Senior Superintendent. It is the specific contention of the petitioner in the writ petition that there was no hearing accorded to him by the 4th respondent, and the 4th respondent proceeded to pass Ext.P9 order immediately after assuming charge of his office. The contention of the petitioner, therefore, is that Ext.P9 order was passed in gross violation of the principles of natural justice.

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

The learned Government Pleader on instructions, would submit that Ext.P9 order was, in fact, passed without hearing the petitioner. Taking note of this submission, I find that Ext.P9 order

of the 4th respondent cannot be legally sustained. Resultantly I quash the same and I dispose the writ petition with a direction to the 4th respondent to consider the matter afresh, and 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. The petitioner shall produce a copy of the writ petition together with a copy of this judgment before the 4th respondent, for further action.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

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