

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 3RD DAY OF JULY 2015/12TH ASHADHA, 1937

WP(C).No. 19233 of 2015 (D)

PETITIONER(S):

**SANDEEP K.S
L.G.SANSKRIT TEACHER, D.D.SABHA HIGH SCHOOL
KARIMPADAM, CHENNAMANGALAM, NORTH PARUR
ERNAKULAM-683 512.**

**BY ADVS.SRI.N.MANOJ KUMAR
SMT.JAYASREE MANOJ
SRI.P.R.RADHAKRISHNAN**

RESPONDENT(S):

- 1. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT
GENERAL EDUCATION DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM-695 001.**
- 2. THE DISTRICT EDUCATIONAL OFFICER
ALUVA-683 010.**
- 3. THE MANAGER
D.D. SABHA HIGH SCHOOL, KARIMPADAM, CHENNAMANGALAM
NORTH PARUR, ERNAKULAM. 683 512.**

R BY GOVERNMENT PLEADER SMT.LOWSY.A.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
03-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1- TRUE COPY OF THE DEGREE CERTIFICATE OF THE PETITIONER DATED 31.12.2008.

EXT.P2- TRUE COPY OF THE APPOINTMENT ORDER DATED 12.8.2013 OF THE PETITIONER.

EXT.P3- TRUE COPY OF THE JOINING REPORT ISSUED BY THE HEADMASTER OF THE 3RD RESPONDENT SCHOOL.

EXT.P4- TRUE COPY OF THE PROCEEDINGS DATED 3.11.2011 OF THE 2ND RESPONDENT TOGETHER WITH THE DETAILS OF DIVISIONS SANCTIONED TO THE 3RD RESPONDENT SCHOOL.

EXT.P5- TRUE COPY OF THE PROCEEDINGS DATED 31.7.2012 OF THE 2ND RESPONDENT.

EXT.P6- TRUE COPY OF THE PROCEEDINGS OF THE 2ND RESPONDENT DATED 16.5.2014.

EXT.P7- TRUE COPY OF THE STAFF FIXATION ORDER ISSUED BY THE 2ND RESPONDENT DATED 31.7.2014 WITH RESPECT TO THE 3RD RESPONDENT SCHOOL.

EXT.P8- TRUE COPY OF THE JUDGMENT OF THE HON'BLE HIGH COURT DATED 05.02.2015 IN WP[C]NO.81 OF 2015.

EXT.P9- TRUE COPY OF THE NOTICE OF HEARING DATED 25.03.2015 ISSUED BY THE 2ND RESPONDENT.

EXT.P10- TRUE COPY OF ORDER NO.B4-6938/2013 DATED 10.04.2015 OF THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.19233 OF 2015 (D)

Dated this the 3rd day of July, 2015

J U D G M E N T

The petitioner, who was appointed in a sanctioned vacancy of Lower Grade Sanskrit Teacher, is aggrieved by the inaction on the part of the 2nd respondent to pass formal orders on the application for approval of the said appointment. In the writ petition, the petitioner challenges Ext.P10 communication of the 2nd respondent, whereby, the 2nd respondent has indicated that on account of the pendency of Writ petitions/Writ appeals before this Court, he is not in a position to take a decision in the matter.

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

3. On a consideration of the facts and circumstances of the case as also the submissions made across the bar, and also taking note of the submission of the learned Govt. Pleader, on instructions, that there has been a direction issued by the Government, in the light of

the pendency of the Writ appeal against a judgment that quashed various Government orders, that no decision need be taken till such time as this Court passes final orders in the Writ appeal, I am of the view that the mere pendency of the Writ appeal before this Court cannot be a reason for the Educational authorities in the State not to take a decision with regard to approval of appointments that are presented before them by the Educational agencies. Under the said circumstances, I quash Ext.P10 communication and direct the 2nd respondent to pass a fresh order, either approving or denying approval, to the appointment of the petitioner as LG Sanskrit Teacher. The 2nd respondent shall take a decision within a period of three weeks from the date of receipt of a copy of this judgment, after hearing the petitioner and the 3rd respondent Manager.

The writ petition is disposed as above.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp