

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 18TH DAY OF MARCH 2015/27TH PHALGUNA, 1936

WP(C).No. 21976 of 2013 (V)

PETITIONER(S):

**K.RAMACHANDRAN,
HIGH SCHOOL ASSISTANT (SOCIAL STUDIES),
MATTANNUR HIGHER SECONDARY SCHOOL, MATTANNUR,
PIN - 670 702, KANNUR DISTRICT.**

**BY ADVS.SRI.V.C.JAMES
SRI.K.KUNHIKRISHNAN**

RESPONDENT(S):

- 1. REGIONAL DEPUTY DIRECTOR OF HIGHER SECONDARY EDUCATION,
KOZHIKODE - 673 134.**
- 2. MANAGER,
MATTANNUR HIGHER SECONDARY SCHOOL, MATTANNUR,
KANNUR DISTRICT - 670 702.**

*** ADDITIONAL R3 IMPEADED**

- 3. PRAJEESH P.K.,
S/O.SUKUMARAN, AGED 38 YEARS,
KALLUKOTHIYA PARAMBATH,
KADAVATHUR P.O., KANNUR DISTRICT.**

*** ADDL. R3 IS IMPEADED AS PER ORDER DATED 29/01/2014 IN IA 1297/2014.**

**R1 BY SENIOR GOVERNMENT PLEADER SRI.V.VIJULAL
R2 BY ADVS. SRI.K.V.PAVITHRAN
SRI.JAYANANDAN MADAYI PUTHIYAVEETIL
SRI.P.SAJU
R3 BY ADV. SRI.CIBI THOMAS**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
18-03-2015 ALONG WITH WP(C) NO.7812/2015, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 21976 of 2013 (V)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P-1: TRUE COPY OF THE RELEVANT PAGES OF COMMON SENIORITY LIST OF H.S.A. AS ON 1.1.2012 DULY APPROVED BY THE D.E.O., THALASSERY.

EXT.P-2: TRUE COPY OF JUDGMENT DATED 18.1.2013 IN WPC NO.3982 OF 2012 (W) BEFORE THE HONOURABLE COURT.

EXT.P-3: TRUE COPY OF ORDER NO.A4/11914/2011 DATED 11.7.2013 OF THE 1ST RESPONDENT.

EXT.P-4: TRUE COPY OF RELEVANT PAGES OF THE G.O(MS)NO.211/2013/G.EDN DATED 15.7.2013.

EXT.P-5: TRUE COPY OF REPRESENTATION DATED 22.7.2013 FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

EXT.P-6: TRUE COPY OF NEWS ITEM PUBLISHED IN MALAYALA MANORAMA DAILY DATED 23.7.2013.

RESPONDENT(S)' EXHIBITS:

EXT.R2(a): TRUE COPY OF G.O.(RT) NO.680/2012/G1.EDN., DATED 10.2.2012.

EXT.R2(b): TRUE COPY OF G.O.(MS)NO.211/2013/G.EDN. DTD.15.7.2013.

//TRUE COPY//

P.S.TO JUDGE

Msv/

A. MUHAMED MUSTAQUE, J.

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**W.P.(C) No.21976 of 2013 &
7812 of 2015**

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Dated this the 18th day of March, 2015

JUDGMENT

By Government Order No. G.O.(Ms)No.211/2013/G.Edn. the Government sanctioned one post of Higher Secondary School Teacher (Sr.)(History) (HSST for short). The petitioner in W.P. (C) No.21976 of 2013 claims appointment by transfer being the senior most claimant as HSST (Jr). The Manager appointed the writ petitioner in W.P.(C) No.7812 of 2015 from open quota. The proposal is now pending before the 1st respondent. The Regional Deputy Director of Higher Secondary Education did not consider the said proposal for the reason that the writ petition filed by the petitioner in W.P.(C) No.21976 of 2013 is pending.

2. The issues are substantially relating to who is entitled for appointment. The claim of the writ petitioner in W.P.(C) No.21976 of 2013 is that being the senior most teacher, he is entitled for appointment by transfer. On the other hand, the learned counsel for the petitioner in W.P.(C) No.7812 of 2015 submits that the post created as per Ext.P4 order is HSST (Sr)

(History). Since out of 18 posts, 6 appointments have already been made on transfer basis, the next appointments have to be made from open quota to maintain the ratio.

3. I am not adverting into the merits of the case. The objection of the writ petitioner in W.P.(C) No.21976 of 2013 has to be adverted by the Regional Deputy Director while considering the proposal of the Manager in appointing the writ petitioner in W.P.(C) No.7812 of 2015. The manager has to send the proposal within a period of two weeks. Needful shall be done, after hearing the petitioners and the Manager, within a further period of six weeks from the date of receipt of a copy of the judgment.

These writ petitions are disposed of.

A. MUHAMED MUSTAQUE, JUDGE

sj