

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 10TH DAY OF JULY 2015/19TH ASHADHA, 1937

WP(C).NO. 20411 OF 2015 (B)

PETITIONER(S) :

DEEPTHI DAMODHARAN
HIGH SCHOOL ASSISTANT (NATURAL SCIENCE)
JAYASREE HIGHER SECONDARY SCHOOL, KALLIVAYAL
ERİYAPALLY P.O., WAYANAD.

BY ADVS.SRI.POOVAMULLE PARAMBIL ABDULKAREEM
SRI.SAJU J.VALLYARA

RESPONDENT(S) :

1. STATE OF KERALA
REPRESENTED BY SECRETARY TO THE GOVERNMENT
GENERAL EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM-695001.

2. THE DEPUTY DIRECTOR OF EDUCATION
WAYANAD-673122.

3. DISTRICT EDUCATIONAL OFFICER
KALPETTA, WAYANAD-673122.

4. THE MANAGER
JAYASREE HIGHER SECONDARY SCHOOL, KALLIVAYAL, PULPALLY
WAYANAD-673579.

5. N.S.ANIL KUMAR
CLUSTER CO-ORDINATOR, SARVASIKSHA ABHIYAN
SULTHAN BATTERY-673122.

BY GOVERNMENT PLEADER SMT.LOWSY.A

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
10-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).NO. 20411 OF 2015 (B)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT-P1: PHOTOCOPY OF THE APPOINTMENT ORDER ALONG WITH THE APPROVAL ORDER.

EXHIBIT-P2: PHOTOCOPY OF THE STAFF FIXATION ORDER IN RESPECT OF THE ACADEMIC YEAR 2010-11 REGARDING THE 4TH RESPONDENT SCHOOL.

EXHIBIT-P3: PHOTOCOPY OF THE 2ND RESPONDENT'S ORDER DATED 15.6.2012.

EXHIBIT-P4: PHOTOCOPY OF THE REQUEST SUBMITTED BEFORE THE 3RD RESPONDENT DATED 12.5.2015.

EXHIBIT-P5: PHOTOCOPY OF THE REQUEST SUBMITTED BY THE PETITIONER BEFORE THE MANAGER, JAYASREE HIGHER SECONDARY SCHOOL DATED 10.6.2015.

EXHIBIT-P6: PHOTOCOPY OF THE RELEVANT EXTRACT OF THE PETITIONER'S SERVICE BOOK.

EXHIBIT-P7: PHOTOCOPY OF THE JUDGMENT IN W.P.(C) NO.13681 OF 2015.

EXHIBIT-P8: PHOTOCOPY OF THE JUDGMENT IN 2007(1) KLT 766.

RESPONDENT(S) ' EXHIBITS:NIL

//TRUE COPY//

P.A TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.20411 of 2015

.....
Dated this the 10th day of July, 2015

J U D G M E N T

The petitioner has approached this Court aggrieved by the non-consideration of her candidature to the post to H.S.A. (English) in a retirement vacancy that arose on 31.05.2015 in the School. It is her case in the writ petition that, to the said vacancy, the 5th respondent has also staked a claim as a Rule 51 A Claimant and, pursuant to a direction of this Court in W.P.(C).No.13681 of 2015, the 3rd respondent is in the process of considering her request for accommodation to the said post. It is the prayer of the petitioner in the writ petition that unless her candidature is also considered by the 3rd respondent, she will be prejudiced in that the only person before the 3rd respondent for the vacancy that arose to the post of H.S.A. (English) with effect from 31.05.2015 would be the 5th respondent.

2. When the matter came up for admission on 07.07.2015, I request the learned Government Pleader to get instructions as to whether the proceedings before the 3rd respondent pursuant to the direction in W.P.(C).No.13681 of 2015 had already been concluded. The learned Government Pleader submitted on instructions that the 3rd respondent has not taken any decision in the matter till date

although a hearing was conducted.

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

On a consideration of the facts and circumstances of the case as also the submissions made across the bar, and taking note of this submission of the learned Government Pleader, I dispose the writ petition with a direction to the 3rd respondent to consider the claim of the petitioner also, before taking a decision pursuant to the judgment dated 08.05.2015 in W.P.(C).No.13681 of 2015. If need be, the 3rd respondent can hear the Manager of the School and the 5th respondent again, before taking a final decision as directed in this judgment. The petitioner shall produce a copy of the writ petition along with a copy of this judgment before the 3rd respondent for further action. The 3rd respondent shall pass orders in the matter after hearing the parties aforementioned within a period of one month from the date of receipt of a copy of this judgment.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns

