

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 16TH DAY OF JULY 2015/25TH ASHADHA, 1937

WP(C).No. 21434 of 2015 (D)

PETITIONER(S):

**DEEPTHY GEORGE AGED 38 YEARS,
UPPER PRIMARY SCHOOL ASSISTANT,
ST.SEBASTIANS HIGHER SECONDARY SCHOOL,
VAZHITHALA, THODUPUZHA, IDUKKI - 685 583**

**BY ADVS.SRI.SAJU JOHN
SRI.JELSON J.EDAMPADAM**

RESPONDENT(S):

- 1. STATE OF KERALA, REPRESENTED BY THE
SECRETARY, GENERAL EDUCATIONA DEPARTMENT
SECRETARIAT, THIRUVANANTHAPURAM - 695 001**
- 2. THE DISTRICT EDUCATIONAL OFFICER, THODUPUZHA
OFFICE OF THE DISTRICT EDUCATIONAL OFFICER
THODUPUZHA, IDUKKI DISTRICT - 685 584**
- 3. THE MANAGER, CORPORATE EDUCATIONAL AGENCY
DIOCESE OF KOTHAMANGALAM, KOTHAMANGALAM PO
ERNAKULAM DISTRICT - 686 691**

R BY GOVERNMENT PLEADER, M.J. RAJASREE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
16-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 TRUE COPY OF THE APPOINTMENT ORDER DATED 21.10.2002 ISSUED BY THE 3RD RESPONDENT APPOINTING THE PETITIONER AS UPSA IN ST.MARY'S HSS, ARAKKUZHA.
- EXT.P2 TRUE COPY OF THE APPOINTMENT ORDER DATED 01.06.2010 ISSUED BY THE 3RD RESPONDENT APPOINTING THE PETITIONER AS UPSA IN SHGHS, MUTHALAKODAM.
- EXT.P3 TRUE COPY OF THE ORDER No.EC2/31361/2011/DPI/K.DIS. DATED 07.04.2012 OF THE ADDITIONAL DPI, DIRECTING THE DEO, THODUPUZHA TO APPROVE THE APPOINTMENT OF THE PETITIONER AS UPSA FROM 01.06.2010 TO 02.06.2013.
- EXT.P4 TRUE COPY OF THE ORDER No.T83/13 DATED 01.06.2013 OF THE 3RD RESPONDENT TRANSFERRING AND APPOINTING THE PETITIONER AS UPSA IN SSHSS VAZHUTALA WITH EFFECT FROM 3.06.2013 IN THE RETIREMENT VACANCY OF SMT.CICILY C.M. WHO RETIRED FROM SERVICE ON 31.03.2013.
- EXT.P5 TRUE COPY OF THE REPRESENTATION DATED 09.02.2015 SUBMITTED BY THE PETITIONER BEFORE THE HON'BLE MINISTER FOR EDUCATION.
- EXT.P6 TRUE COPY OF THE GOVERNMENT LETTER No.8444/H3/2014/G.EDN DATED 09.03.2015.

RESPONDENT'S EXHIBITS:-

NIL

// True copy //

PA to Judge

das

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 21434 of 2015

Dated this the 16th day of July, 2015

JUDGMENT

The petitioner, who is working as UPSA, is aggrieved by the denial of approval to her appointment with effect from 03.06.2013. The approval has to be granted by the 2nd respondent and it is the case of the petitioner in the writ petition that the 2nd respondent has not taken any decision in the matter till date since he is awaiting certain clarifications from the 1st respondent. In the meanwhile, the petitioner herself has approached the 1st respondent stating the aforesaid aspects and requesting the 1st respondent's intervention in the matter. Ext.P5 representation has been preferred by the petitioner before the 1st respondent for this purpose. In the writ petition, the limited prayer of the petitioner is for a direction to the 1st respondent to consider and pass orders on Ext.P5, so that the 2nd respondent can pass consequential orders based on the decision taken by the 1st respondent on Ext.P5 representation.

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

On a consideration of the facts and circumstances of the case and the submissions made across the bar, I dispose the writ petition with a direction to the 1st respondent to consider and pass orders on Ext.P5 representation preferred by the petitioner before him, within a period of one month from the date of receipt of a copy of this judgment, after hearing the petitioner. The petitioner shall produce a copy of the writ petition, together with a copy of this judgment, before the 1st respondent, for further action. The 1st respondent shall, on the basis of the decision taken by him, instruct the 2nd respondent so that the latter can pass consequential orders on the application for approval to the appointment of the petitioner as UPSA.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE