

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 28TH DAY OF SEPTEMBER 2015/6TH ASWINA, 1937

W.P.(C).No.34259 of 2004 (C)

PETITIONER(S):-

LESNIE LEELA VIJOY,
SARIGA THIRUVALI,
PATHIRIYIL P.O.- 676 123,
MANJERI, MALAPPURAM DISTRICT.

BY ADV.SRI.BABU KUMAR

RESPONDENT(S):-

1. THE CORPORATE MANAGER,
CMS SCHOOL, CSI DIOCESE OF MADHYA KERALA,
KOTTAYAM DISTRICT.
2. DEPUTY DIRECTOR,
OFFICE OF THE DEPUTY DIRECTOR OF EDUCATION,
KOTTAYAM DISTRICT.
3. DIRECTOR OF PUBLIC INSTRUCTION,
THIRUVANANTHAPURAM.
4. JIKKU C.CHERIAN,
PHYSICAL EDUCATION TEACHER,
BAKER MEMORIAL GIRLS HIGHER SECONDARY SCHOOL,
KOTTAYAM DISTRICT.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
28-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 TRUE PHOTOCOPY OF THE APPOINTMENT ORDER ISSUED BY
 THE 1ST RESPONDENT DATED 8.6.01.
- EXT.P2 TRUE PHOTOCOPY OF THE RE-APPOINTMENT ORDER
 ISSUED BY THE 1ST RESPONDENT DATED 1.6.04.
- EXT.P3 TRUE PHOTOCOPY OF THE PROCEEDINGS ORDER
 NO.1078/04 OF THE 1ST RESPONDENT DATED 13.7.04.
- EXT.P4 TRUE PHOTO COPY OF THE REPRESENTATION
 SUBMITTED BY THE PETITIONER TO THE 2ND AND 3RD
 RESPONDENT.
- EXT.P5 TRUE PHOTOCOPY OF THE G.O.(Rt) NO.3858/04/G.EDN.
 ISSUED BY THE SECRETARY TO GOVERNMENT
 DATED 2.9.04.

RESPONDENT'S EXHIBITS:-

NIL.

Vku/-

[true copy]

K. Vinod Chandran, J

W.P.(C).No.34259 of 2004-C

Dated this the 28th day of September, 2015

JUDGMENT

The petitioner is aggrieved with the fact that despite the petitioner having been appointed in a leave vacancy in one of the schools under the respondent-Corporate Manager and continued for 33 months, she was unceremoniously sent out as per Exhibit P3.

2. Admittedly the petitioner was in a leave vacancy and Exhibit P3 indicates that regular teachers appointed and approved were continued and it was in such circumstance the petitioner was sent out from the Corporate Management. The petitioner had filed representations at Exhibits P3 and P4. However, by Exhibit P5 the Government allowed the Corporate Manager to treat all the schools under the Management as one single unit and to maintain separate seniority list of staff by protecting the seniority of the existing staff in the schools as per Exhibit P5.

3. Exhibit P5, in any event, is of no consequence. The petitioner, admittedly, was appointed in a leave vacancy and cannot seek continuance beyond the period of that leave. If at all, the petitioner can raise a claim under Rule 51A of the Kerala Education Rules, 1959.

The writ petition is found to be devoid of merit and the same is, accordingly, dismissed. No costs.

Sd/-
K.Vinod Chandran
Judge.

vku/-

[true copy]