

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 21ST DAY OF AUGUST 2015/30TH SRAVANA, 1937H

WP(C) .No. 23436 of 2015 (D)

PETITIONER(S) :

ASHA G. AGED 44 YEARS
W/O. JAYAKUMAR P.D
FULL TIME LOWER GRADE HINDI TEACHER, P.C HIGH SCHOOL
PULLOOPRAM, PATHANAMTHITTA DISTRICT

BY ADVS.SMT.M.R.SREELATHA
SRI.K.P.SUDHEER

RESPONDENT(S) :

1. THE STATE OF KERALA
REPRESENTED BY ITS SECRETARY
DEPARTMENT OF GENERAL EDUCATION
THIRUVANANTHAPURAM 695 001

2. DEPUTY DIRECTOR OF EDUCATION
PATHANAMTHITTA 689 645

3. DISTRICT EDUCATIONAL OFFICER,
PATHANAMTHITTA 689 645

4. MANAGER
P.C HIGH SCHOOL, PULLOOPRAM, PULLOOPRAM P.O
PATHANAMTHITTA DISTRICT PIN 689 674

BY GOVERNMENT PLEADER SMT.M.J.RAJASREE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
21-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 23436 of 2015 (D)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1 TRUE COPY OF ORDER NO B4/1781/2006/KDIS.DATED 27-02-2005 OF
THE 3RD RESPONDENT

EXHIBIT P2 TRUE COPY OF THE AUDIT OBJECTION OF THE 2ND RESPONDENT DATED
18.10.2011

EXHIBIT P3 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER
BEFORE THE 1ST RESPONDENT DATED 27/11/2012

EXHIBIT P4 TRUE COPY OF THE COMMUNICATION ISSUED BY THE RESPONDENT TO
THE 1ST RESPONDENT DATED 13-08-2013

EXHIBIT P5 TRUE COPY OF LETTER NO. 14740/E1/2014/G.EDN. MDATED
24/03/2014 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER

EXHIBIT P6 TRUE COPY OF LETTER NO B5/11493/14/DIS DATED 29-05-2015
ISSUED BY THE 3RD RESPONDENT

RESPONDENT(S) ' EXHIBITS: :NIL

//TRUE COPY//

P.A TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

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W.P.(C).No.23436 of 2015

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Dated this the 21st day of August, 2015

J U D G M E N T

The petitioner who is an aided School Teacher was retrenched due to a division fall while she was working as H.S.A Hindi. Later on she was accommodated against the Full time Lower Grade Hindi Teacher. It is her case in the writ petition that, while she was entitled to the protection available under Rule 52 of Chapter XIV A of KER, presumably on account of an audit objection, the protection under the said Rule was not accorded to her on her reappointment as Full Time Lower Grade Hindi Teacher. Although she had preferred a representation (Ext.P3) before the 1st respondent seeking a redressal of her grievance, the 1st respondent by Ext.P5 order merely informed her that she was to take steps to settle the audit objection raised by the Deputy Director of Education and approach the Government after exhausting all proceedings mentioned in Rule 52 of Chapter XIV A of KER. Ext.P5 is impugned in the writ petition, inter alia, on the ground that, it is a laconic order bereft of any reasoning and one that does not intimate the petitioner of the reason as to why she would not get the benefit of protection under Rule 52 of Chapter XIV A of KER.

2. I have heard the learned counsel for the petitioner and the

learned Government Pleader for the respondents.

3. On a consideration of the facts and circumstances of the case, I am of the view that, the 1st respondent cannot pass orders in the nature of Ext.P5 in response to a representation as detailed as the one produced herein as Ext.P3. I, therefore, quash Ext.P5 and direct the 1st respondent to reconsider Ext.P3 representation of the petitioner and pass appropriate orders thereon indicating clearly the reasons for the decision arrived at therein. The 1st respondent shall pass orders as directed within a period of one month from the date of receipt of a copy of the judgment after hearing the petitioner. The petitioner shall produce a copy of the writ petition along with a copy of this judgment before the 1st respondent for further action.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns

