

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 19TH DAY OF NOVEMBER 2015/28TH KARTHIKA, 1937

WP(C).No. 23792 of 2015 (Y)

PETITIONER(S):

**S.RANI, AGED 35 YEARS
WIFE OF PRADEEP, LOWER PRIMARY SCHOOL ASSISTANT
S V HIGHER SECONDARY SCHOOL, CLAPPANA
KOLLAM DISTRICT.**

**BY ADVS.SRI.V.A.MUHAMMED
SRI.M.SAJJAD**

RESPONDENT(S)/RESPONDENTS:-:

- 1. THE STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO GOVERNMENT
GENERAL EDUCATION DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM - 695 001.**
- 2. THE DIRECTOR OF HIGHER SECONDARY EDUCATION
HOUSING BOARD BUILDINGS, TRIVANDRUM - 695 001.**
- 3. THE DIRECTOR OF PUBLIC INSTRUCTIONS
JAGATHY, THIRUVANANTHAPURAM - 695 014.**
- 4. THE MANAGER
S V HIGHER SECONDARY SCHOOL, CLAPPANA
KOLLAM DISTRICT - 690 525.**

**ADDL. 5. JAYALEKSHMI K.M
HIGHER SECONDARY SCHOOL TEACHER (JR.)(MALAYALAM)
SHANMUGHA VILASOM HIGHER SECONDARY SCHOOL
CLAPPANA, KOLLAM DIST.
(ADDL.R5 IMPEADED AS PER ORDER DTD. 19.11.2015)**

**RADDL.5 BY ADV. SRI.V.MADHUSUDHANAN
RADDL.5 BY ADV. SRI.M.SREEBHADRAN
R BY GOVERNMENT PLEADER SRI. S. JAMAL**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19-11-2015, ALONG WITH W.P.(C) NO.24424/2015 HE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1. TRUE COPY OF THE APPOINTMENT ORDER OF THE PETITIONER DATED 02.06.2003.

EXHIBIT P2. TRUE COPY OF THE CERTIFICATE OF B.A.(MALAYALAM) OF THE PETITIONER DATED 11.10.2004.

EXHIBIT P3. TRUE COPY OF THE B.ED CERTIFICATE DATED 19.11.2007.

EXHIBIT P4. TRUE COPY OF THE M.A.(MALAYALAM) CERTIFICATE DATED 19.01.2011.

EXHIBIT P5. TRUE COPY OF THE M.ED CERTIFICATE DATED 25.06.2013.

EXHIBIT P6. TRUE COPY OF THE RELEVANT PAGE OF THE SERVICE BOOK OF THE PETITIONER.

EXHIBIT P7. TRUE COPY OF THE CERTIFICATE OF SET DATED 31.10.2013.

EXHIBIT P8. TRUE COPY OF THE NET CERTIFICATE DATED 27.01.2014.

EXHIBIT P9. TRUE COPY OF THE G.O.(RT)NO.680/12/G1.EDN. DATED 10.02.2012 OF THE GOVERNMENT.

EXHIBIT P10. TRUE COPY OF THE INFORMATION FURNISHED BY THE PRINCIPAL OF THE SCHOOL DATED 10.09.2013.

EXHIBIT P11. TRUE COPY OF THE JUDGMENT IN W.P.(C)NO.5486/2013-I DATED 10.04.2015.

EXHIBIT P12. TRUE COPY OF THE ORDER NO.ACD.B4/6558/12/HSE DATED 21.07.2015 OF THE 2ND RESPONDENT.

EXHIBIT P13. TRUE COPY OF THE PETITION FILED BEFORE THE GOVERNMENT DATED 01.08.2015 WITHOUT ANNEXURES

EXHIBIT P14. TRUE COPY OF THE COUNTER AFFIDAVIT FILED IN W.P.(C) NO.5486/2013.

RESPONDENT(S)' EXHIBITS: NIL

// TRUE COPY //

PA TO JUDGE.

K. VINOD CHANDRAN, J.

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**W.P.(C) Nos.23792 of 2015 - Y and
24424 of 2015 - C**

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Dated this the 19th day of November, 2015

J U D G M E N T

The petitioners in the above writ petitions are the rival claimants to the post of H.S.A. (Jr.)(Malayalam). The petitioner in W.P.(C) No.23792 of 2015 claims promotion in the 25% quota reserved for the category of H.S.A/U.P.S.A/L.P.S.A. The petitioner in W.P.(C) No.24424 of 2015 however contends that the post itself was entitled to be sanctioned from 2011-12 and she had been appointed as a direct recruitee, since at that point of time there were no eligible applicants to be considered under the 25% quota reserved for H.S.A/U.P.S.A/L.P.S.A. The said petitioner also contends that the issue is covered by a judgment of this Court in W.P.(C) No.19141 of 2013 dated 04.11.2015.

2. As of now, the Director of Higher Secondary Education has held in favour of the petitioner in W.P.(C) No.23792 of 2015, wherein, she seeks implementation of the said order. The other writ petitioner in W.P.(C) No. 24424 of 2015 challenges the order of the Director. The Manager and the petitioner in W.P.(C) No.24424 of 2015 has filed a revision against the order No.Acd.B4/6558/12/HSE dated 21.07.2015.

3. In such circumstance, the revision filed by the Manager and Smt. Jayalekshmi K.M shall be considered expeditiously and after hearing the Manager, Smt. Jayalekshmi K.M and Smt. S. Rani. The parties shall appear before the Secretary General Education (D) Department, Trivandrum on 07.12.2015 at 11 a.m, on which date the office of the Secretary to Government shall give a date of hearing with acknowledgment taken and fixing the hearing date within one month from the date of appearance. The hearing shall be

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conducted and orders passed within two months from the date of hearing. The revision shall be considered untrammelled by any observations made herein. The order of status quo as of now shall be continued till the revision is decided.

The writ petitions are disposed of.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

SB/19/11/2015

// true copy //

P.A to Judge.