

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 12TH DAY OF AUGUST 2015/21ST SRAVANA, 1937

WP(C).No. 24553 of 2015 (T)

PETITIONER(S):

**SUHITHA JOLLY P.S. AGED 42 YEARS
HEADMISTRESS, LP SCHOOL, PEZHUMTHURUTH
PERUMON PO, KOLLAM-691 601, RESIDING AT MANGALASSERIL
PEZHUMTHURUTH, PERUMON PO, KOLLAM-691 601.**

BY ADV. SRI.S.SHAJI

RESPONDENT(S):

- 1. THE SECRETARY TO GOVERNMENT
GENERAL EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM-695 001.**
- 2. THE DIRECTOR OF PUBLIC INSTRUCTION
OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTION
JAGATHY, THIRUVANANTHAPURAM-695 014.**
- 3. THE DEPUTY DIRECTOR OF EDUCATION
OFFICE OF THE DEPUTY DIRECTOR OF EDUCATION, KOLLAM
KOLLAM DISTRICT-691 001.**
- 4. THE DISTRICT EDUCATIONAL OFFICER
OFFICE OF THE DISTRICT EDUCATION
KOLLAM KOLLAM DISTRICT-691 001.**
- 5. ASSISTANT EDUCATIONAL OFFICER
OFFICE OF THE ASSISTANT EDUCATIONAL OFFICER
ELAMPALLOOR, KUNDARA PO-691 001.**
- 6. THE MANAGER,
LP SCHOOL, PEZHUMTHURUTH, PERUMON PO
KOLLAM DISTRICT-691 601.**

R BY GOVERNMENT PLEADER, SMT. LOWSY A.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
12-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 : TRUE COPY OF THE PROMOTION ORDER DATED 1-6-2015 ISSUED BY THE 6TH RESPONDENT.
- EXT.P2 : TRUE COPY OF THE SENIORITY LIST OF TEACHERS AS ON 1-4-2015 OF LP SCHOOL, PEZHUMTHURUTH, PERUMON PO, KOLLAM DISTRICT.
- EXT.P3 : TRUE COPY OF THE PROMOTION APPOINTMENT ORDER OF SMT.G.SANTHAMMA DATED 1-5-2015 ISSUED BY THE 6TH RESPONDENT AND ITS APPROVAL ORDER ISSUED BY THE 5TH RESPONDENT.
- EXT.P4 : TRUE COPY OF THE OSNO.51/2015 FILED BEFORE THE SUB COURT, KOLLAM.
- EXT.P5 : TRUE COPY OF THE TEMPORARY PROHIBITORY INJUNCTION ORDER DATED 30-5-2015 IN IA.NO.956/2015 IN OS.NO.51/2015 OF THE SUB COURT, KOLLAM.
- EXT.P6 : TRUE COPY OF THE REPRESENTATION DATED 23-6-2015 BEFORE THE 5TH RESPONDENT FILED BY THE PETITIONER.
- EXT.P7 : TRUE COPY OF THE JUDGMENT DATED 1-7-2015 IN WPC.NO.19804/2015 OF THE HON'BLE HIGH COURT OF KERALA.
- EXT.P8 : TRUE COPY OF THE ORDER NO.D/768/2015 DATED 20-7-2015 ISSUED BY THE 5TH RESPONDENT.
- EXT.P9 : TRUE COPY OF THE LETTER DATED 20-7-2015 ISSUED BY THE 5TH RESPONDENT.
- EXT.P10 : TRUE COPY OF THE REPRESENTATION DATED 26-7-2015 BEFORE THE 4TH RESPONDENT FILED BY THE PETITIONER.
- EXT.P11 : TRUE COPY OF THE REPRESENTATION DATED 26-7-2015 BEFORE THE 1ST RESPONDENT FILED BY THE PETITIONER.

RESPONDENT(S)' EXHIBITS

NIL

// True copy //

PA to Judge

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 24553 of 2015

Dated this the 12th day of August, 2015

JUDGMENT

The petitioner was appointed as Head Mistress in L.P.School, Pezhumthuruth, Kollam district, against a retirement vacancy of one G.Santhamma, who retired from service on 31.05.2015. When the appointment of the petitioner was forwarded for approval, the same was rejected by the educational authority on the ground that in a civil suit that was pending before the Sub Court, Kollam, an injunction order had been passed, restraining the manager of the school from making any new appointment in the school till further orders. The said injunction order is dated 30.05.2015. In the writ petition, it is the stand of the petitioner that, inasmuch as the injunction order of the civil court only restrains the manager from making any new appointment, the same will not affect an appointment by way of promotion, which has been done in the case of the petitioner. It is on the basis of the said contention that the petitioner has preferred Ext.P10 appeal before the 4th respondent, challenging Exts.P8 and P9 orders of the 5th respondent. The limited prayer of the petitioner in the writ petition is for a direction to the 4th respondent to consider and pass orders on Ext.P10 appeal expeditiously, after hearing the petitioner.

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

On a consideration of the facts and circumstances of the case and also the submissions made across the bar, I dispose the writ petition with a direction to the 4th respondent to consider and pass orders on Ext.P10 appeal preferred by the petitioner, 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 4th respondent, for further action.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE