

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

THURSDAY, THE 13TH DAY OF AUGUST 2015/22ND SRAVANA, 1937

WP(C).No. 24616 of 2015 (B)

PETITIONER :

SARITHA.P.V.
AGED 37 YEARS,
W/O.VINOD KUMAR M.K.,
HIGH SCHOOL ASSISTANT (ENGLISH),
IQBAL HIGHER SECONDARY SCHOOL AJANUR ,
KOLAVAYAL P.O., KASARAGOD DISTRICT-671 531.

BY ADVS.SRI.MURALI PALLATH
SRI.MAHESH V RAMAKRISHNAN

RESPONDENTS :

1. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT,
GOVERNMENT SECRETARIAT (ANNEX),
THIRUVANANTHAPURAM-695 001.
2. THE DIRECTOR,
HIGHER SECONDARY EDUCATION DEPARTMENT,
HOUSING BOARD BUILDING, SANTHINAGAR,
THIRUVANANTHAPURAM-695 001.
3. THE REGIONAL DEPUTY DIRECTOR,
HIGHER SECONDARY EDUCATION DEPARTMENT,
REGIONAL OFFICE KANNUR, PAYYAMBALAM P.O., KANNUR-670 001.
4. THE MANAGER,
IQBAL HIGHER SECONDARY SCHOOL, AJANUR, KOLAVAYAL P.O.,
KANHANGAD, KASARAGOD DISTRICT-671 531.
5. ELIZABETH KURIAKOSE,
HSST (ENGLISH) (UNAPPROVED)
IQBAL HSS, AJANUR, KOLAVAYAL P.O.,
KASARAGOD DISTRICT-671 531.

BY SR.GOVERNMENT PLEADER SMT.M.J.RAJASREE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
13-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 24616 of 2015 (B)

APPENDIX

PETITIONER'S EXHIBITS :-

EXT.P1. TRUE COPY OF THE APPOINTMENT ORDER DATED 3/7/2006.

EXT.P2. TRUE COPY OF THE CERTIFICATE OF MA DEGREE PASSED BY THE PETITIONER.

EXT.P3. TRUE COPY OF THE CERTIFICATE OF DEGREE IN BACHELOR OF EDUCATION
PASSED BY THE PETITIONER.

EXT.P4. TRUE COPY OF THE CERTIFICATE OF STATE ELIGIBILITY TEST PASSED BY THE
PETITIONER.

EXT.P5. TRUE COPY OF THE COMPLAINT PETITION DATED 25/6/2015.

EXT.P6. TRUE COPY OF THE RELEVANT PAGE OF POSTAL ACKNOWLEDGMENT SIGNED
BY THE 3RD RESPONDENT.

RESPONDENTS' EXHIBITS :- NIL.

True copy

P.A to Judge

ANIL K.NARENDRA, J.

W.P.(C)No.24616 of 2015

Dated this the 13th day of August, 2015

JUDGMENT

The petitioner is presently working as High School Assistant (English) in Iqbal Higher Secondary School, Ajanur, an aided school in Kasaragod District. A vacancy of Higher Secondary School Teacher (English) arose in the School by the retirement of Sri.Mohanan.M, HSST (English) on 31.3.2015. According to the petitioner, she is legally entitled for appointment as HSST (English) in the retirement vacancy of Sri.Mohanan.M. But, the 4th respondent ignoring the claim of the petitioner, appointed the 5th respondent as HSST (English) by direct recruitment. Being highly aggrieved by non- consideration for the post of HSST (English), the petitioner has submitted Ext.P5 complaint before the 3rd respondent.

2. The petitioner has filed this Writ Petition seeking the following reliefs:-

i. issue a writ of mandamus commanding the 4th respondent to appoint the petitioner as HSST (English) w.e.f. 01.06.2015 in Iqbal HSS Ajanur in the vacancy that arose by retirement of Sri.Mohanan.M.

ii. declare that the petitioner is legally entitled for appointment as HSST (English) under by transfer quota w.e.f 01.06.2015 as per rules in chapter XXXII KER.

iii. issue directions to the 3rd respondent to pass favourable orders on Ext.P5 petition within a time limit as fixed by the Hon'ble High Court.

3. I heard the arguments of the learned counsel for the petitioner and also the learned Government Pleader appearing for respondents 1 to 3.

4. Considering the fact that Ext.P5 representation submitted by the petitioner is pending consideration before the 3rd respondent, I deem it appropriate to dispose of this Writ Petition directing the said respondent to consider and pass appropriate orders on Ext.P5 representation strictly in accordance with law with notice to the petitioner and also to respondents 4 and 5, after affording them an opportunity of being heard, as expeditiously as possible at any rate within a period of three months from the date of receipt of a certified copy of this judgment.

It is made clear that this Court has not expressed anything on the merits of the claim raised by the petitioner and it is for the 3rd respondent to consider Ext.P5 representation submitted by the petitioner and pass appropriate orders thereon, strictly in accordance with law.

ANIL K.NARENDRAN, JUDGE

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