

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

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

WP(C).No. 24702 of 2015 (K)

PETITIONER :

SEENA JACOB,
W/O.RAJAN MATHEW, PADAYATTY HOUSE, PALIAKKARA,
ANAGAMALY-683572.

BY ADVS.SRI.AVANEESH KOYIKKARA
SRI.LINDONS C.DAVIS

RESPONDENTS :

1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF GENERAL EDUCATION, SECRETARIAT,
THIRUVANANTHAPURAM.
2. THE DIRECTOR OF HIGHER SECONDARY EDUCATION,
THIRUVANANTHAPURAM.
3. THE REGIONAL DEPUTY DIRECTOR,
HIGHER SECONDARY EDUCATION, ERNAKULAM.
4. MANAGER,
ST.JOSEPH'S HIGHER SECONDARY SCHOOL, CHENGAL,
KALADY P.O., ERNAKULAM DT.-683574.
5. PRINCIPAL,
ST.JOSEPH'S HIGHER SECONDARY SCHOOL, CHENGAL,
KALADY P.O., ERNAKULAM DT.683574.

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. 24702 of 2015 (K)

APPENDIX

PETITIONER'S EXHIBITS :-

- P1 : TRUE COPY OF THE EXPERIENCE CERTIFICATE ISSUED BY THE PRINCIPAL
DT.14-7-15.
- P2 : TRUE COPY OF THE CERTIFICATE ISSUED BY COCHIN UNIVERSITY OF SCIENCE
AND TECHNOLOGY AWARDDING MA (HINDI LANGUAGE AND LITERATURE) TO
THE PETITIONER.
- P3 : TRUE COPY OF THE B.Ed. CERTIFICATE OF THE PETITIONER ISSUED FROM MG
UNIVERSITY.
- P4 : TRUE COPY OF THE STATE ELIGIBILITY CERTIFICATE DT.20-8-2000 ISSUED TO
THE PETITIONER.
- P5 : TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER BEFORE R1
DT.4-8-15.
- P6 : TRUE COPY OF GO(MS) 174/2013/G.EDN, DT.22-5-13.
- P7 : TRUE COPY OF THE GENERAL CONDITIONS OF PSC.

RESPONDENTS' EXHIBITS :- Nil.

True copy

P.A to Judge

ANIL K.NARENDRA, J.

W.P.(C)No.24702 of 2015

Dated this the 13th day of August, 2015

JUDGMENT

The petitioner worked as Guest Lecturer in Hindi at St.Joseph's Higher Secondary School, Chengal for the period of June, 2002 to March, 2015. Ext.P1 is experience certificate issued by the Principal of the School. According to the petitioner, now a post of HSST (Hindi) on regular scale of pay is sanctioned at St.Joseph's Higher Secondary School, Chengal and the selection to the post is likely to be done within the short period. Now the petitioner is 43 years old. As per Rule 8 of Chapter XXXII of Kerala Education Rules (KER), the upper age limit for appointment as HSST is 39. Therefore the management is not in a position to consider the application of the petitioner for regular appointment. She possesses M.A. Hindi from Cochin University of Science and Technology with 59.6% marks and B.Ed. (Hindi), which is evident from Ext.P2 and P3. She has also passed the State Eligibility Test (SET) for appointment as Higher Secondary School Teacher (HSST), which is evident from Ext.P4. The petitioner has submitted Ext.P5 representation before the 1st respondent seeking an order under Rule 3 of Chapter I of the KER to relax the age limit in her case so as to enable the Manager to appoint her as HSST

(Hindi). She is also relying on Ext.P6 Government Order in respect of another teacher.

2. In such circumstances, the petitioner has filed this Writ Petition seeking the following reliefs:-

i. to issue a writ of mandamus or any other appropriate writ, order or direction directing the 1st respondent to consider and pass orders on Ext.P5 within a period fixed by this Hon'ble Court.

ii. to issue a writ of mandamus or any other appropriate writ, order or direction directing the 4th respondent to appoint the petitioner to Government aided post of HSST (Hindi) at St.Joseph's Higher Secondary School, Chengal.

iii. to issue a writ of mandamus or any other appropriate writ, order or direction directing the 1st respondent to grant age relaxation to the petitioner to apply Government aided post of HSST (Hindi) St.Joseph's Higher Secondary School, Chengal.

iv. to strike down Rule.8 of Chapter XXXII of Kerala Education rules to extend it not permit the age relaxation to the candidates for their period of provisional service.

v. to grant such other and further reliefs to the petitioner as the Hon'ble Court may consider just and proper in the facts and circumstances of the case.

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

3. During the course of arguments, the learned counsel for the petitioner confined arguments for a disposal of Ext.P5 representation.

4. Considering the fact that Ext.P5 representation submitted by the petitioner is pending consideration before the 1st respondent this Writ Petition is disposed of directing the 1st 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 made by the petitioner in Ext.P5 representation and it is for the 1st respondent to take an appropriate decision thereon, strictly in accordance with law.

ANIL K.NARENDHAN, JUDGE

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