

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN

WEDNESDAY, THE 18TH DAY OF FEBRUARY 2015/29TH MAGHA, 1936

WP(C).No. 30876 of 2009 (D)

PETITIONER :

INDIRA K., AGED 46 YEARS,
D/O.KAMALAMMA, ANJANAM, THULAMPARAMPU SOUTH
MANNARASSALA P.O., ALAPPUZHA.

BY ADV. SRI.G.ANANTHANARAYANAN

RESPONDENTS :

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1. STATE OF KERALA, REP. BY THE SECRETARY TO GOVERNMENT
DEPARTMENT OF HIGHER EDUCATION, SECRETARIAT
THIRUVANANTAPURAM.
 2. CORPORATE MANAGER, TRAVANCORE BOARD SCHOOLS, DEVASWOM BUILDING
NANDANCODE, THIRUVANANTHAPURAM, (SECRETARY
TRAVANCORE DEVASWOM BOARD, OFFICE OF THE
TRAVANCORE DEVASWOM BOARD, THIRUVANANTHAPURAM).
 3. DIRECTOR OF HIGHER SECONDARY EDUCATION,
OFFICE OF THE DIRECTOR OF HIGHER SECONDARY
EDUCATION, HOUSING BOARD BUILDING, THIRUVANANTHAPURAM.
 4. THE REGIONAL DEPUTY DIRECTOR,
OFFICE OF THE REGIONAL DEPUTY DIRECTOR
HIGHER SECONDARY EDUCATION, CORPORATION BUILDING
THIRUVANANTHAPURAM.
 5. SNEHA RANI S., PRINCIPAL(UNAPPROVED), DEVASWOM BOARD HIGHER
SECONDARY SCHOOL, PARUMALA.
 6. M.V.PRIYA, LATHA RAMAN NAIR, PRINCIPAL(UNAPPROVED)
DEVASWOM BOARD HIGHER SECONDARY SCHOOL, THAKAZHI.
 7. LATHA RAMAN NAIR, PRINCIPAL (UNAPPROVED), DEVASWOM BOARD HIGHER
SECONDARY SCHOOL, CHERIYANAD.

R BY GOVERNMENT PLEADER SRI.ABHIJETT LESSLI
R2 BY ADV. SRI.K.N.VENUGOPALA PANICKER, SC, TDB
R6 BY ADV. SRI.T.G.RAJENDRAN
R5 & R7 BY ADVS. SRI.N.N.SUGUNAPALAN (SR.)
SRI.S.SUJIN
R5 BY ADV. SRI.P.HARIDAS

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : TRUE COPY OF G.O.(P) NO.92/2009/GL.EDN.DATED 28.3.2009

EXT.P2 : TRUE COPY OF THE INTIMATION MEMO DATED 9.2.2007 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER

EXT.P3 : TRUE COPY OF THE INTIMATION MEMO DATED 28.5.2008 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER

EXT.P4 : TRUE COPY OF THE REPRESENTATION DATED 17.8.2009 PREFERRED BY THE PETITIONER TO THE 2ND RESPONDENT

EXT.P5 : TRUE COPY OF G.O.(MS)NO.43/2005/G.EDN. DATED 11.2.2005

RESPONDENTS' EXHIBITS :

EXT.R5(a) : TRUE COPY OF THE APPOINTMENT ORDER DATED 3/6/1987

EXT.R5(b) : TRUE COPY OF THE PROMOTION ORDER ISSUED TO ME ON 4.6.1990 APPOINTING ME AS H.S.A

EXT.R5(c) : TRUE COPY OF THE TRANSFER ORDER AS HIGHER SECONDARY SCHOOL TEACHER (ENGLISH) AS PER THE ORDER OF THE MANAGER

EXT.R5(d) : TRUE COPY OF THE SELECT LIST AS PRINCIPAL AT DEVASWOM BOARD OF HIGHER SECONDARY SCHOOL, PARIMALA (SECOND IN RANK)

/TRUE COPY/

P.A TO JUDGE

AV

K.SURENDRA MOHAN, J.

W.P.(C) No.30876 of 2009

Dated this the 18th day of February, 2015

J U D G M E N T

The petitioner has filed this writ petition seeking the following relief :

(1) Issue a writ of mandamus or any other appropriate writ, order or direction and thereby command the 2nd respondent to appoint the petitioner as Principal of Devaswom Board Higher Secondary School.

2. According to the petitioner, she is a Higher Secondary School Teacher in Devaswom Board Higher Secondary School, Thiruvalla managed by the 2nd respondent. She was appointed as an Upper Primary School Assistant ('UPSA' for short) on 20.06.1991. On 06.10.1995 she was promoted as a High School Assistant ('HSA' for short). On 28.07.1999 she was appointed as a Higher Secondary School Teacher ('HSST' for short). While so, posts of Principal in various Higher Secondary Schools under the 2nd respondent were sought to be filled up. According to the petitioner, Ext.P1 Government Order prescribes the qualifications to be possessed by persons seeking appointment to the said posts. The petitioner had applied for being appointed to the post. She had also attended interviews on 19.02.2007 and 04.06.2008. The intimation memos are Exts.P2 and P3.

3. The grievance of the petitioner is that, instead of appointing

her, respondents 5 to 7 have been selected and appointed. According to the petitioner, respondents 5 to 7 are not qualified to be appointed. The petitioner is the senior most having been appointed as an HSST as early as on 28.07.1999. The appointments of respondents 5 to 7 are in violation of the Government Order, Ext.P1. It is contended that the seniority of the teachers have to be taken on the basis of the service put in as an HSST.

4. A counter affidavit has been filed by the 5th respondent contending that, she is senior to the petitioner. Her continuous service started on 04.06.1987. The selection was made on the basis of the interview that was conducted. Since the petitioner was not selected, she has put forward the present complaint.

5. Heard. Though it is contended by the petitioner that, she is senior to respondents 5 to 7, the said fact is disputed by the respondents. As per Ext.P1, persons having a minimum service of six years as an HSST are entitled to be selected. Absolutely, no material or evidence has been placed before me to warrant a conclusion that respondents 5 to 7 did not possess the said qualification. Admittedly, the petitioner had participated in the interview. After the interview, a rank list appears to have been drawn up, a copy of which is produced as Ext.R5(d). The petitioner has not been ranked therein. It is stated in Ext.R5(d) that, the candidates were ranked on the basis of their academic achievements and performance in interview. In the absence

of evidence to show that there is any infirmity in the impugned selection, no relief as sought for could be granted.

In view of the above, this writ petition fails and the same is accordingly dismissed.

Sd/-
K.SURENDRA MOHAN, JUDGE.

AV