

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 29TH DAY OF SEPTEMBER 2015/7TH ASWINA, 1937

WP(C).No. 29324 of 2015 (M)

PETITIONER:

**MINI BENJAMIN, AGED 31 YEARS,
D/O. BENJAMIN MATHEW, T.C. 14/1495 (1), VAZHUTHACAUD,
THYCAUD P.O., TRIVANDRUM-695 014.**

**BY ADVS.SRI.M.R.ANISON
SMT.K.P.GEETHA MANI
SMT.P.A.RINUSA**

RESPONDENTS:

- 1. STATE OF KERALA,
REP. BY ITS SECRETARY TO GOVT.,
GENERAL EDUCATION DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM-695 001.**
- 2. THE VIGILANCE CELL OF KIRTADS,
REP. BY ITS VIGILANCE OFFICER,
DIRECTORATE OF KIRTADS,
KOZHIKODE-673 001.**
- 3. THE TAHSILDAR,
TALUK OFFICE, THIRUVANANTHAPURAM-695 001.**
- 4. THE SCRUTINY COMMITTEE FOR VERIFICATION OF COMMUNITY
CERTIFICATE, REPRESENTED BY ITS CHAIRMAN,
SCHEDULED CASTE AND SCHEDULED TRIBES DEVELOPMENT
DEPARTMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- 5. KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY ITS SECRETARY, PATTOM PALACE P.O.,
THIRUVANANTHAPURAM-695 004.**
- 6. THE SECRETARY TO GOVERNMENT,
SCHEDULED CASTES AND SCHEDULED TRIBES DEVELOPMENT
DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- 7. THE DIRECTOR OF PUBLIC INSTRUCTION,
THIRUVANANTHAPURAM-695 001.**

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**8. THE DIRECTOR OF HIGHER SECONDARY EDUCATION,
THIRUVANANTHAPURAM-695 001.**

**R1 TO R4, R6 TO R8 BY SPL.GOVERNMENT PLEADER SMT.P.K.SANTHAMMA
R5 BY SRI.P.C.SASIDHARAN, SC, KPSC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 29-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

- P1:- TRUE COPY OF THE EXTRACT OF SCHOOL ADMISSION REGISTER OF PETITIONER
- P2:- TRUE COPY OF THE RELEVANT PAGE OF THE S S L C BOOK OF THE PETITIONER
- P3:- A TRUE COPY OF THE COMMUNITY CERTIFICATE DTD 27/3/2010 ISSUED TO THE PETITIONER
- P4:- TRUE COPY OF THE COMMUNITY CERTIFICATE DTD 19/3/2012 ISSUED TO THE PETITIONER
- P5:- TRUE COPY OF THE COMMUNITY CERTIFICATE DTD 23/9/2013 ISSUED TO THE PETITIONER
- P6:- TRUE COPY OF THE COMMUNITY CERTIFICATE DTD 28/3/2014 ISSUED TO THE PETITIONER
- P7:- TRUE COPY OF THE CERTIFICATE DTD 27/5/2011 ISSUED BY THE TAHSILDAR, MEENACHIL TALUK NO.3863/34/2011
- P8:- TRUE COPY OF THE COMMUNITY CERTIFICATE DTD 1/11/2014 ISSUED BY THE 3RD RESPONDENT
- P9:- TRUE COPY OF THE ADVICE MEMO ISSUED BY THE 5TH RESPONDENT DTD 23/2/2015
- P10:- TRUE COPY OF THE APPOINTMENT ORDER DTD 10/3/2015 OF THE PETITIONER
- P11:- TRUE COPY OF THE ORDER ISSUED BY THE 2ND RESPONDENT DTD 26/5/2015
- P12:- TRUE COPY OF THE REVISION PETITION FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT
- P13:- TRUE COPY OF THE JUDGMENT DTD 2/9/2015 IN WPC NO.18148/2015
- P14:- TRUE COPY OF THE LETTER DTD 4/9/2015 ISSUED BY THE 1ST RESPONDENT
- P15:- TRUE COPY OF THE ORDER DTD 1/8/2015 ISSUED BY THE 1ST RESPONDENT
- P16:- TRUE COPY OF THE COVERING LETTER DTD 3/9/2015 ISSUED BY THE DPI

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

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P.S.TO JUDGE

A.MUHAMED MUSTAQUE, J.

W.P.(C).No.29324/2015

Dated this the 29th Day of September, 2015

J U D G M E N T

The petitioner challenges Exhibit P14 order of the Government rejecting a revision petition filed under Section 13 of the Act 11/1996 has approached this Court. In fact the petitioner has approached this Court during the pendency of the revision with the W.P.(C). No.18148 of 2015. Therein, this Court ordered as follows:

“3. This court is of the view that, the government shall refer Ext.P24 to Scrutiny Committee for a decision, which shall be done within a period of one month of receipt of copy of this judgment. Thereafter, the Scrutiny Committee shall take a decision within a further period of 3 months. The petitioner shall co-operate with the enquiry being conducted by the Scrutiny Committee. Till a decision is taken by the Scrutiny Committee, no action shall be initiated against the 1st petitioner.”

3. It is apparent that the impugned order has been passed as if the Government had no occasion to consider the direction of this Court in W.P.(C). No.18148 of 2015. In such circumstances Exhibit P14 shall be set aside. The

W.P.(C).No.29324/2015

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Government is directed to refer the matter to the Scrutiny Committee as directed by this Court in WP.(C). No.18148 of 2015.

4. The petitioner also seeks another relief based on Exhibit P15, to relieve her from the post of Higher Secondary School Teacher, (Junior)(Botany) from Government Higher Secondary School, Koothuparamba, Kannur and permit her to join as Senior Lecturer in DIET. As seen from Exhibit P15, nothing interdicts the petitioner from joining in the post of Senior Lecturer in DIET. If there is any interdiction in permitting the petitioner from joining as Senior Lecturer in DIET, she is free to challenge that action before this Court again.

The writ petition is disposed of as above. No costs.

Sd/-

(A.MUHAMED MUSTAQUE, JUDGE)

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