

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 28TH DAY OF OCTOBER 2015/6TH KARTHIKA, 1937

WP(C).No. 31205 of 2015 (A)

PETITIONER(S):

**THE MANAGER, KADAMBUR NORTH UP SCHOOL
P.O.EDAKKAD, KANNUR DIST.**

**BY ADVS.SRI.K.R.AVINASH (KUNNATH)
SRI.ABDUL RAOOF PALLIPATH**

RESPONDENT(S):

- 1. THE ASSISTANT EDUCATIONAL OFFICER
A.E.O. OFFICER (SOUTH), CHAKKARAKKAL,
KANNUR - 670 611.**
- 2. THE STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO GOVERNMENT
DEPARTMENT OF GENERAL EDUCATION DEPARTMENT
OF GENERAL EDUCATION
GOVERNMENT SECRETARIAT, THIRUVANATHAPURAM 695 033.**

R BY GOVERNMENT PLEADER SMT. M.J. RAJASREE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 28-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 31205 of 2015 (A)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1- TRUE COPY OF NO DEATH CERTIFICATE**
- EXT.P2- TRUE COPY OF REGISTERED WILL DATED 31.8.2007**
- EXT.P3- TRUE COPY OF MEMO FILED BY THE PETITIONER BEFORE THE
MUNSIFF COURT, TELLICHERRY DATED 28.2.2014 IN EP 172 IN OS
NO.84/2002**
- EXT.P4- TRUE OCPY OF PROCEEDINGS NO.DIS.C/2791/2014 DATED
15.7.2014 OF THE 1ST RESPONDENT**
- EXT.P5- TRUE COPY OF LETTER OF THE PETITONER DATED 22.8.15**

RESPONDENT(S)' EXHIBITS: NIL

// TRUE COPY //

P A TO JUDGE

SB

K. VINOD CHANDRAN, J.

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W.P.(C) No.31205 of 2015 - A

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Dated this the 28th day of October, 2015

J U D G M E N T

The petitioner is aggrieved with the fact that the application at Ext.P4 for consideration of the approval of appointment of a teacher has not been considered.

2. The learned Government Pleader on instructions submits that the petitioner's appointment as Manager has not yet been sanctioned by the Department. The petitioner points out Ext.P2 will executed by the former Manager, the husband of the petitioner and the conclusion of the civil proceedings with respect to a dispute as to the boundary of the property at Ext.P3. However the application for approval of the Managership of the petitioner has not been produced. Evidently only after the petitioner has been approved as a Manager, the petitioner could appoint a person to the vacancy arising in the School and in such

circumstance Ext.P5 cannot be directed to be considered at this point of time.

The writ petition hence would stand dismissed, leaving open the contentions of the petitioner and the remedy to approach the appropriate authorities to consider the approval of the Managership, at the first instance. No costs.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

SB/ 28/ 10 /2015

// true copy //

P.A To Judge.