

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 19TH DAY OF JANUARY 2015/29TH POUSHA, 1936

WP(C).No. 32117 of 2014 (L)

PETITIONER(S) :

1. SUDHADEVI K.V., AGED 34 YEARS,
VARAM UP SCHOOL, P.O.VARAM, W/O.P.VINOD KUMAR,
RESIDING AT NANDANAM, POTTERYPARAMBA,
P.O.MUNDAYAD, KANNUR DISTRICT.
2. SANILA.E, AGED 35 YEARS,
UPSA VARM UP SCHOOL, P.O.VARAM, W/O.M.MANO HARAN
RESIDING AT LEELAKRISHNA NIVAS,
KALLUR MATTANNUR P.O., KEECHERI, KANNUR DISTRICT.
3. NISHA M.V, AGED 35 YEARS,
UPSA VARM UP SCHOOL, P.O.VARAM, W/O.BIJU M.MAVILAVEEDU,
ELAYAVOOR, P.O.VARAM, KANNUR DISTRICT.

**BY ADVS.SRI.SURESH KUMAR KODOTH
SRI.K.PANTONY BINU**

RESPONDENT(S):

1. ASSISTANT EDUCATIONAL OFFICER,
KANNUR NORTH, KANNUR DISTRICT - 670 002.
2. DISTRICT EDUCATIONAL OFFICER,
KANNUR, KANNUR DISTRICT - 670 002.
3. DIRECTOR OF PUBLIC INSTRUCTIONS,
PUBLIC INSTRUCTION DIRECTORATE,
THIRUVANANTHAPURAM- 695 001.
4. MANAGER, VARAM UP SCHOOL,
P.O.VARAM, KANNUR DISTRICT - 670 594.

**R4 BY ADVS. SRI.K.MOHANAKANNAN
SMT.A.R.PRAVITHA
R1 TO R3 BY GOVERNMENT PLEADER SMT.LOWSY.A**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 19-01-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

- P1:** TRUE COPY OF THE APPOINTMENT ORDER ISSUED BY THE 4TH RESPONDENT DATED 17/07/2007.
- P2:** TRUE COPY OF THE APPOINTMENT ORDERS ISSUED BY THE 4TH RESPONDENT DATED 17/07/2007.
- P3:** TRUE COPY OF THE APPOINTMENT ORDERS ISSUED BY THE 4TH RESPONDENT DATED 17/07/2007.
- P4:** TRUE COPY OF THE ORDER NO.G4/78244/10/DPI DATED 25/01/2012 ISSUED BY THE THIRD RESPONDENT ALONG WITH ENGLISH TRANSLATION.
- P5:** TRUE COPY OF GO(RT) NO.3893 DATED 13/08/2012.
- P6:** TRUE COPY OF ORDER DATED 16/08/2012.
- P7:** TRUE COPY OF THE ORDER IN W.P.(C).NO.8476/2011 DATED 23/02/2012.
- P8:** TRUE COPY OF THE ORDER NO.G4/78244/2010/DPI DATED 25/03/2013 ISSUED BY THIRD RESPONDENT ALONG WITH ENGLISH TRANSLATION.
- P9:** TRUE COPY OF THE ORDER NO.F/4544/10 DATED 29/03/2013.
- P9(A):** TRUE COPY OF THE ORDER OF APPROVAL GRANTED TO FIRST PETITIONER.
- P10:** TRUE COPY OF THE APPEAL DATED 08/05/2013 FILED BY THE FIRST PETITIONER, ALONG WITH ENGLISH TRANSLATION.
- P11:** TRUE COPY OF THE JUDGMENT DATED 18/02/2014 IN W.P.(C).NO.4817/2014.
- P12:** TRUE COPY OF THE ORDER DATED 02/06/2014 ISSUED BY THE 2ND RESPONDENT ALONG WITH ENGLISH TRANSLATION.
- P13:** TRUE COPY OF THE REPRESENTATION DATED 21/08/2014 FILED BY THE PETITIONERS. ALONG WITH ENGLISH TRANSLATION.
- P14:** TRUE COPY OF THE LETTER DATED 22/09/2014 ISSUED BY THE FIRST RESPONDENT ALONG WITH ENGLISH TRANSLATION.
- P15:** TRUE COPY OF THE RELEVANT PAGES OF SERVICE BOOK WITH PEN NO.51814 WITHIN THE CUSTODY OF THE FOURTH RESPONDENT.

RESPONDENT(S)' EXHIBITS

- EXHIBIT R4(A):** TRUE COPY OF THE COMMUNICATION SENT BY THE 4TH RESPONDENT TO THE PETITIONER DATED 04.10.2014.

WP(C).No. 32117 of 2014 (L)

**EXHIBIT R4(B): TRUE COPY OF THE PROPOSAL SUBMITTED BY THE 4TH
RESPONDENT TO THE 1ST RESPONDENT WITH ANNEXURES.**

**EXHIBIT R4(C): TRUE COPY OF THE COMMUNICATION SENT BY THE 4TH
RESPONDENT TO THE 1ST RESPONDENT DATED 04.11.2014.**

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.MUHAMED MUSTAQUE, J.

W.P.(C)No.32117 of 2014

Dated this the 19th day of January, 2015

JUDGMENT

This writ petition is filed by three teachers to implement Ext.P12 order passed by the District Educational Officer, Kannur. In Ext.P12, the petitioners are entitled for approval of appointment with effect from the dates referred in Ext.P12 and a direction was issued to the Assistant Educational Officer to ensure the compliance of the order. The petitioners submit that in spite of such direction to verify the records to give appointment to the petitioners, the Manager is not honouring the direction. The grievance of the writ petitioners is that they have produced all the relevant documents before the Manager for the purpose of complying Ext.P12 order, however, the Manager is refusing to accept those documents to send the proposal. Accordingly, the petitioners have

approached this Court.

2. In this matter, a counter affidavit has been filed by the fourth respondent. It is stated in the counter affidavit that petitioners 2 and 3 produced all the relevant records and those documents were forwarded to the Assistant Educational Officer on 10.10.2014 for approval. To evident this, Ext.R4(b) is produced. However, it is submitted that the first petitioner failed to produce any document and as per Ext.R4(c), this was intimated to the Assistant Educational Officer.

3. The learned counsel for the petitioners would submit that the first petitioner is also prepared to submit all the documents and the Manager is insisting on unnecessary conditions for producing the documents. I am of the view, since there is no challenge against Ext.P12 order, the Manager is bound to accept Ext.P12 order and implement the same. However, in order to work out Ext.P12 order, it is necessary

that the first petitioner also need to produce her documents. The first petitioner, therefore, shall produce all the documents before the Manager at School on 28.1.2015 at 11 a.m. Thereafter, the Manager shall forward all the documents to the Assistant Educational Officer without any delay. The Assistant Educational Officer shall after receipt of all the documents take steps to appointment of the petitioners within a period of six weeks. In order to avert any further controversy, the first petitioner shall appear before the Manager along with any other person chosen by her.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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