

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

FRIDAY, THE 18TH DAY OF SEPTEMBER 2015/27TH BHADRA, 1937

WP(C).No. 32336 of 2014 (N)

PETITIONER:

**SMITHA A.R., AGED 38 YEARS,
W/O VINOD, NJARALATHU HOUSE, MARKET P.O.,
N.S.S. ROAD, VELLOORKUNNAM, MUVATTUPUZHA.**

**BY ADVS.SRI.SAJU JOHN
SRI.JELSON J.EDAMPADAM**

RESPONDENTS:

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
GENERAL EDUCATION DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM.**
- 2. DIRECTOR OF PUBLIC INSTRUCTION,
DIRECTORATE OF PUBLIC INSTRUCTION, JAGATHY,
THIRUVANANTHAPURAM - 695 014.**
- 3. THE DISTRICT EDUCATIONAL OFFICER,
MUVATTUPUZHA, ERNAKULAM DISTRICT - 686 673.**
- 4. THE MANAGER,
T.T.V HIGHER SECONDARY SCHOOL, MUVATTUPUZHA,
ERNAKULAM DISTRICT - 686 673.**
- 5. NAICYMOL C.S.
HIGH SCHOOL ASSISTANT (SOCIAL STUDIES)
T.T.V. HIGHER SECONDARY SCHOOL, MUVATTUPUZHA
ERNAKULAM DIST - 686 673.**

**R1 TO R3 BY SENIOR GOVERNMENT PLEADER: SMT. M.J.RAJASREE.
R5 BY ADV. SRI.A.P.SUBHASH**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 : COPY OF THE LETTER NO.EM1/798/03/DPI/D.DIS DATED 15.1.2004, OF THE DIRECTOR OF PUBLIC INSTRUCTION.
- EXHIBIT P2 : COPY OF THE STAFF FIXATION ORDER DATED 14.8.2010.
- EXHIBIT P3 : COPY OF THE ORDER NO.B4/6402/10/K.DIS DATED 21.12.2010 OF THE DISTRICT EDUCATIONAL OFFICER.
- EXHIBIT P4 : COPY OF THE APPEAL DATED 27.12.2010 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.
- EXHIBIT P5 : COPY OF THE JUDGMENT DATED 8.2.2011 OF THIS HON'BLE COURT IN W.P.(C). NO.4070/2011.
- EXHIBIT P6 : COPY OF THE ORDER NO.RA(2)/13305/11/DPI/K.DIS DATED 8.4.2011 OF THE 2ND RESPONDENT.
- EXHIBIT P7 : COPY OF THE REVISION PETITION DATED 21.5.2011 FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.
- EXHIBIT P8 : COPY OF THE G.O.(RT) NO.5474/2011/G.EDN. DATED 7.12.2011.
- EXHIBIT P9 : COPY OF THE GOVERNMENT LETTER NO.66038/A2/2012/G.EDN. DATED 5.9.2014.
- EXHIBIT P9(A) : ENGLISH TRANSLATION OF EXT.P9.
- EXHIBIT P10 : COPY OF THE REPORT OF THE DEPUTY DIRECTOR OF EDUCATION, ERNAKULAM.
- EXHIBIT P10(A): ENGLISH TRANSLATION OF EXT.P10
- EXHIBIT P11 : COPY OF THE SENIORITY LIST OF STAFF AS ON 2010-2011.

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

PA TO JUDGE

ANIL K.NARENDRA, J.

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W.P.(C). No. 32336 of 2014

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Dated this the 18th day of September, 2015

JUDGMENT

The petitioner who was appointed as U.P.S.A. in the school managed by the 4th respondent with effect from 04.06.1998 has approached this court in this writ petition seeking a writ of certiorari to quash Exts.P6 and P8 and seeking declaration that she is entitled to be retained in T.T.V. High School, Muvattupuzha against one of the vacancies of H.S.A. (English) and to grant her all consequential reliefs.

2. When the case was taken up for further consideration, the learned counsel for the petitioner submitted that, in view of Ext.P12 representation dated 6.12.2014 which is pending consideration before the Government, this writ petition can be disposed of without going into the rival contentions made by both sides, by directing the Government to consider and pass appropriate

orders on the said representation.

3. I heard the arguments of the learned counsel for the petitioner, the learned counsel appearing for respondents 1 to 3 and also the learned counsel for the 5th respondent, who is now continuing as H.S.A. (Social Science).

4. The learned counsel for the 5th respondent would submit that, any disposal of Ext.P12 representation should be with notice to the said respondent and that she may be permitted to raise all contentions before the Government at the time of hearing.

5. Considering the facts and circumstances of the case, this Writ Petition is disposed of directing the 1st respondent to consider and pass appropriate orders on Ext.P12 representation submitted by the petitioner, as expeditiously as possible, at any rate within a period of three months from the date of receipt of certified copy of

this judgment, with notice to the petitioner and also to respondents 4 and 5.

It is made clear that this Court has not expressed anything on the rival contentions made by both sides and it is for the respective parties, to raise all such contentions before the 1st respondent, at the time of hearing.

Sd/-
ANIL K.NARENDRAN, JUDGE.

skr