

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 26TH DAY OF MARCH 2015/5TH CHAITHRA, 1937

WP(C).No. 36088 of 2008 (U)

PETITIONER(S) :

P.V. KAMALAKSHI AMMA,
MALUR U.P.SCHOOL, P.O.MALUR, MATTANNUR VIA,
KANNUR DISTRICT.

BY ADV. SRI.KALEESWARAM RAJ.

RESPONDENT(S) :

1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF GENERAL,
EDUCATION, SECRETARIAT, THIRUVANANTHAPURAM.
2. DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM.
3. DEPUTY DIRECTOR OF EDUCATION,
KANNUR.
4. DISTRICT EDUCATIONAL OFFICER,
THALASSERRY.
5. ASSISTANT EDUCATIONAL OFFICER,
MATTANNUR.

BY SENIOR GOVERNMENT PLEADER SRI. SOJAN JAMES.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
26-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

- EXT. P1 - TRUE COPY OF THE ORDER DATED 04/10/2006 PASSED BY THE 5TH RESPONDENT.
- EXT. P2- TRUE COPY OF THE MEMORANDUM OF APPEAL DATED 10/11/2006 FILED BY THE PETITIONER BEFORE THE 4TH RESPONDENT.
- EXT. P3 - TRUE COPY OF THE ORDEDR DATED 05/02/2007.
- EXT. P4 - TRUE COPY OF THE ORDER DATED 30/11/2007 ISSUED BY THE 5TH RESPONDENT.
- EXT. P5 - TRUE COPY OF THE APPEAL DATED 12/12/2007 FILED BY THE PETITIONER BEFORE THE 4TH RESPONDENT.
- EXT. P6 - TRUE COPY OF THE ORDER DATED 18/02/2008 ISSUED BY THE 4TH RESPONDENT.
- EXT. P7 - TRUE COPY OF THE APPEAL MEMORANDUM DATED 13/03/2008 FILED BY THE PETITIONER.
- EXT. P8- TRUE COPY OF THE ORDER DATED 01/09/2008 ISSUED BY THE 2ND RESPONDENT.
- EXT. P9- TRUE COPY OF THE G.O.(P)317/05/G.EDN. DATED 17/08/2005.
- EXT. P10- TRUE COPY OF THE STAFF FIXATION ORDER FOR THE YEAR 1999-2000.
- EXT. P11- TRUE COPY OF THE STAFF FIXATION ORDER DATED 31/08/2006 FOR THE YEAR 2006-07.
- EXT. P12- TRUE COPY OF THE APPEAL FILED BY THE PETITIONER BEFORE THE DDE.
- EXT. P13- TRUE COPY OF THE ORDER DATED 08/01/2007 ISSUED BY THE DDE.
- EXT. P14- TRUE COPY OF THE APPEAL DATED 14/02/2007 FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.
- EXT. P15- TRUE COPY OF THE ORDER DATED 02/03/2007 ISSUED BY THE 2ND RESPONDENT.
- EXT. P16- TRUE COPY OF THE LETTER DATED 03/10/2007 ISSUED BY THE 2ND RESPONDENT.

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EXT. P17- TRUE COPY OF THE REVISION DATED 07/11/2007 BEFORE THE 1ST
RESPONDENT.

EXT. P18- TRUE COPY OF THE LETTER DATED 18/04/2008 ISSUED BY THE
1ST RESPONDENT.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A. MUHAMED MUSTAQUE, J.

W.P.(C) No.36088 of 2008

Dated this the 26th day of March, 2015

JUDGMENT

The petitioner is the Manager of an aided school. The petitioner appointed one V.C.Jafar as Part Time Arabic Teacher with effect from 05.06.2006. The A.E.O has declined the approval. Ext.P1 is the order. It is on account of a ban imposed on making appointments, the approval was declined. The revision petition filed by the Manager as Ext.P17 was also rejected. Challenging these orders, the Manager has approached this Court.

2. In view of the subsequent Government Order lifting the ban, the petitioner being the Manager, on executing a bond, if otherwise eligible, necessary posts shall be sanctioned. Therefore, the A.E.O shall take a fresh decision in the matter, taking into account the fact that the ban ordered by the Government has been later lifted by G.O.(P) No.10/10/Gen. Edn. (J)Dept. Dated 12.01.2010. Necessary decision in the matter

shall be taken by the 5th Respondent within a period of six weeks from the date of receipt of a copy of this judgment.

3. It is made clear that if the appointment was made in the admissible post, the teacher concerned shall be allowed to continue in the post, and admissible salary shall be paid within a period of four months from the date of approval of appointment. The impugned orders are set aside to the above extent.

The writ petition is disposed of as above.

Sd/-
A. MUHAMED MUSTAQUE,
JUDGE.

//true copy//

P.S. to Judge

st/-