

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. 36102 of 2008 (W)

PETITIONER(S):

**K.K.OMANA, MANAGER,
PATTANUR U.P.SCHOOL, P.O. PATTANUR, KANNUR DIST.**

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,
THALASSERY.**
- 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:**

msv/

APPENDIX

PETITIONER(S)' EXHIBITS:

EXT.P1: TRUE COPY OF THE ORDER DATED 23.12.2006 ISSUED BY THE
5TH RESPONDENT.

EXT.P2: TRUE COPY OF THE APPEAL DATED 12.2.2007 SUBMITTED BY THE
PETITIONER BEFORE THE 4TH RESPONDENT.

EXT.P3: TRUE COPY OF THE ORDER DATED 28.3.2007 ISSUED BY THE
4TH RESPONDENT.

EXT.P4: TRUE COPY OF THE APPEAL SUBMITTED BY THE PETITIONER BEFORE THE
2ND RESPONDENT.

EXT.P5: TRUE COPY OF THE PETITION DATED 20.3.2007 SUBMITTED BY
SMT.V.K.REKHA.

EXT.P6: TRUE COPY OF THE ORDER DTD.30.5.2008.

EXT.P7: TRUE COPY OF THE REVISION DATED 18.6.2008 FILED BY THE PETITIONER.

EXT.P8: TRUE COPY OF THE STAFF FIXATION ORDER FOR THE YEAR 2006-2007.

EXT.P9: TRUE COPY OF THE PROCEEDINGS OF THE AEO, MATTANNUR
DTD.5.10.2007.

EXT.P10: TRUE COPY OF THE ORDER DTD.15.7.2008.

EXT.P11: TRUE COPY OF THE APPEAL DATED 18.11.2006 FILED BY THE PETITIONER
BEFORE THE 3RD RESPONDENT.

EXT.P12: TRUE COPY OF THE ORDER DTD.19.2.2007.

EXT.P13: TRUE COPY OF THE APPEAL DTD.14.3.2007 FILED BY THE PETITIONER
BEFORE THE 2ND RESPONDENT.

EXT.P14: TRUE COPY OF THE ORDER DTD.3.10.2007 ISSUED BY THE
2ND RESPONDENT.

EXT.P15: TRUE COPY OF THE REVISION PETITION DATED 9.11.2007 FILED BY THE
PETITIONER BEFORE THE 1ST RESPONDENT.

EXT.P16: TRUE COPY OF THE ORDER DTD.18.4.2008.

EXT.P17: TRUE COPY OF G.O.(P) 317/2005 DTD.17.8.2005.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A. MUHAMED MUSTAQUE, J.

W.P.(C) No.36102 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.K.Rekha as U.P.S.A 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.P15 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/-