

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 20TH DAY OF JANUARY 2015/30TH POUSHA, 1936

WP(C).No. 32809 of 2014 (A)

PETITIONER(S):

BINU KOSHY, AGED 49 YEARS,
W/O.ABE ABRAHAM, LOWER PRIMARY SCHOOL ASSISTANT,
KINTER GARTEN NURSERY AND LP SCHOOL, NANTHENCODE,
KAUDIAR P.O., THIRUVANANTHAPURAM, PIN 695003.

BY ADV. SRI.MURALI PALLATH

RESPONDENT(S):

1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT,
GOVT.SECRETARIAT (ANNEX), THIRUVANANTHAPURAM
PIN 695001.

2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
JAGATHY P.O., THIRUVANANTHAPURAM, PIN 695014.

3. THE DISTRICT EDUCATIONAL OFFICER,
THIRUVANANTHAPURAM, STATUE, THIRUVANANTHAPURAM
PIN 695001.

4. THE ASSISTANT EDUCATIONAL OFFICER,
THIRUVANANTHAPURAM NORTH, CHETTIKULENGARA,
THIRUVANANTHAPURAM, PIN 695004.

R BY GOVERNMENT PLEADER SRI.M.A.FAYAZ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
20-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 32809 of 2014 (A)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT-P1: TRUE COPY ORDER NO.C/1277/2010 DATED 10.06.2010 ISSUED BY THE 4TH RESPONDENT.

EXHIBIT-P2: TRUE COPY OF ORDER NO.B1/4607/10 K.DIS. DATED 05.01.2011 ISSUED BY THE 3RD RESPONDENT.

EXHIBIT-P3: TRUE COPY OF GO (RT.) NO.3883/12/G.EDN.DATED 10.08.2012.

EXHIBIT-P3(A): TRUE ENGLISH TRANSLATION COPY OF EXT.P3.

EXHIBIT-P4: TRUE COPY OF GO (RT.) NO.1257/2013/G.EDN.DATED 16.03.2013.

EXHIBIT-P4(A): TRUE ENGLISH TRANSLATION COPY OF EXT.P4.

EXHIBIT-P5: TRUE COPY OF G.O.(MS) NO.275/99/G.EDN.DATED 09.11.1999.

EXHIBIT-P6: TRUE COPY OF CIRCULAR NO.59739/J2/12/G.EDN.DATED 02.11.2012.

EXHIBIT-P6(A): TRUE ENGLISH TRANSLATION COPY OF EXT.P6.

EXHIBIT-P7: TRUE COPY OF REVISION PETITION SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

EXHIBIT-P7(A): TRUE ENGLISH TRANSLATION COPY EXT.P7.

EXHIBIT-P8: TRUE COPY OF GOVT.LETTER NO.23557/H1/2013/G.EDN.DATED 29.9.2014.

RESPONDENT(S) ' EXHIBITS

NIL
/TRUE COPY/ P.S. TO JUDGE.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No. 32809 OF 2014

Dated this the 20th day of January, 2015

JUDGMENT

The petitioner claims to be working as Lower Primary School Assistant in a Nursery and LP School, Nanthencode in Thiruvananthapuram. Petitioner submits that her appointments in leave vacancy have been approved. Last approval was on 17/8/2012. Thereafter, approval has not been granted. In Ext.P4 order passed by the Government, it is noted that vacancy in unaided school can be filled up only by protected teachers. As the school in which the petitioner is working is an unaided school, only protected teachers can be appointed in vacancies. Thereafter, the petitioner approached the Hon'ble Minister for Education by Ext.P7 revision petition. It seems that the Hon'ble Minister referred the matter to the Government at Secretary level. The Special Secretary to Government, as per Ext.P8 communication, directed the Manager of the School as follows;

" I am to invite your attention to the reference cited and to request you to intimate whether Smt.Thabeetha Cherian who was on Leave without Allowances for a period upto 17/8/2012 and on unauthorized absence till now is terminated from service. The matter in this regard may be intimated urgently to Government."

2. The petitioner submitted that if the proceedings based on Ext.P8 is concluded, her period of service from 2012 onwards likely to be regularised and approved.

3. Considering Ext.P8, appropriate decision shall be taken by the Government, as expeditiously as possible, at any rate, within three months from the date of receipt of a copy of this judgment, after affording an opportunity of hearing to the petitioner and the Manager of the school.

The writ petition is disposed of as above.

Sd/-

**A.MUHAMED MUSTAQUE,
Judge.**

dpk

/true copy/

PS to Judge.

