IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

FRIDAY, THE 11TH DAY OF DECEMBER 2020 / 20TH AGRAHAYANA, 1942

WP(C).No.27645 OF 2020(E)

PETITIONER:

SUDHEER BABU.N, S/O.GOVINDAN, AGED 56 YEARS, NADAMANTAVIDA HOUSE, PATTIAM P.O., PATHAYAKUNNU, THALASSERY, KANNUR-670691, (RETIRED PHYSICAL EDCUATION TEACHER, PATTIAM WEST UP SCHOOL, PATHAYAKUNNU P.O., KUTHUPARMBA-670691)

BY ADVS.SRI.T.T.MUHAMOOD
SRI.A.RENJIT
SRI.V.E.ABDUL GAFOOR
SRI.A.MOHAMMED SAVAD
SHRI.T.R.VISHNU
SHRI.NAZEER HUZAIN.H

RESPONDENTS:

1. **THE STATE OF KERALA REP. BY THE SECRETARY TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.**

2. **THE DEPUTY DIRECTOR OF EDUCATION, OFFICE OF THE DDE, KANNUR-670002.**

3. **THE ASSISTANT EDUCATIONAL OFFICER, OFFICE OF THE AEO, KOOTHUPARAMBA, KANNUR-670691.**

4. **THE MANAGER, PATTIAM WEST U.P.SCHOOL, PATHAYAKUNNU P.O., KUTHUPARMBA-670691.**

BY SMT. NISHA BOSE - SR.GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11.12.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 11th day of December 2020

The petitioner says that he was appointed as a Physical Education Teacher in Pattiam West UP School, Pathayakunnu P.O., Kuthuparamba, managed by the fourth respondent, on 12.06.2000 and alleges that though the proposal for his approval was submitted, it was rejected, as also the appeals and revisions thereafter.

2. The petitioner says that, in the meanwhile, a Teachers Package was introduced and he was deployed as a Cluster Co-ordinator with effect from 10.09.2012, in which capacity worked till he retired from service on 31.05.2020. He asserts that Specialist Teachers appointed were granted approval without any interruption and that, through Exhibit P7 order, several teachers were offered approval despite the vacancies not being available. He adds that the Government, thereafter, through order dated 04.10.2019, granted approval to a Specialist Teacher with effect from 01.06.1992 and that he, therefore, preferred Exhibit P6 representation before the Government seeking the same benefit, thus praying that same be directed to be taken up and disposed of by the competent Secretary of the Government, adverting to Exhibits P7 and P8 at the earliest.

3. In response, the learned Government Pleader submitted that there is no legal impediment in Exhibit P6 representation being taken up and disposed of; but prayed that this Court may not make any affirmative declarations as to the entitlement of the petitioner to any relief and leave it to the competent Authority to take a decision on it in terms of law.

In the afore circumstances, I order this writ petition and direct the competent Secretary of the first respondent to take up Exhibit P6 representation filed by the petitioner and to dispose of the same, adverting to Exhibits P7 and P8 orders and after affording an opportunity of being heard to him as also the Manager of the School - either physically or through video conferencing – thus culminating in an appropriate decision thereon, as expeditiously as possible, but not later than three months from the date of receipt of a copy of this judgment.

Sd/-
Devan Ramachandran, Judge

tkv

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1	**TRUE COPY OF APPOINTMENT ORDER ISSUED BY THE MANAGER ON 12.06.2000.**
EXHIBIT P2	**TRUE COPY OF LETTER NO.B4/10749/2011 DATED 18.08.2012 ISSUED BY THE 2ND RESPONDENT.**
EXHIBIT P3	**TRUE COPY OF ORDER NO.B1/5077/2012(2) DATED 03.09.2012 ISSUED BY THE DEPUTY DIRECTOR OF EDUCATION, KOTTAYAM.**
EXHIBIT P4	**TRUE COPY OF ORDER NO.B4/17104/11 DATED 07.03.2013 ISSUED BY THE 2ND RESPONDENT.**
EXHIBIT P5	**TRUE COPY OF ORDER NO.B4/10749/11 DATED 13.06.2013 ISSUED BY THE 2ND RESPONDENT.**
EXHIBIT P6	**TRUE COPY OF REPRESENTATION DATED 15.08.2020 SUBMITTED BY THE PETITIONER BEFORE THE GOVERNMENT.**
EXHIBIT P7	**TRUE COPY OF GO(MS)NO.113/2000/G.EDN DATED 06.04.2020.**
EXHIBIT P7(a)	**TRUE COPY OF GO(MS)NO.307/2004/G.EDN DATED 04.10.2004.**
EXHIBIT P8	**TRUE COPY OF GO(RT)NO.3999/2019/G.EDN DATED 04.10.2019.**

/TRUE COPY/

P.S. TO JUDGE