IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

&

THE HONOURABLE MR. JUSTICE GOPINATH P.

TUESDAY, THE 22ND DAY OF DECEMBER 2020 / 1ST POUSHA, 1942

WA.No.1744 OF 2020

AGAINST THE ORDER IN I.A.NO.1/2020 DATED 18.11.2020 IN WP(C) 23999/2020(Y) OF HIGH COURT OF KERALA

APPELLANT/22ND RESPONDENT:

SINDHU B.
AGED 50 YEARS
W/O. SRI UDAYAKUMAR T, NON VOCATIONAL TEACHER (ENGLISH) VOCATIONAL HIGHER SECONDARY SCHOOL (VHSS) KARAVARAM, KALLAMBALAM P.O, THIRUVANANTHAPURAM, RESIDING AT ASWATHY, KARAMKODE P.O, CHATHANNUR P.O, 691 579

BY ADV. SRI.SAJEEV KUMAR K.GOPAL

RESPONDENTS/PETITIONER/RESPONDENTS 1 TO 21:

1. **S.HARIHARAN PILLAI**
   PRINCIPAL-IN-CHARGE, VOCATIONAL HIGHER SECONDARY SCHOOL, KARAVARAM, THIRUVANANTHAPURAM DIST, RESIDING AT VILAYIL VEEDU, NAVAIKULAM P.O, THIRUVANANTHAPURAM 695 603

2. **STATE OF KERALA,REPRESENTED BY ITS SECRETARY, GENERAL EDUCATION DEPT, GOVT OF KERALA, SECRETARIAT, THIRUVANANTHAPURAM 695 001**

3. **THE DIRECTOR OF GENERAL EDUCATION, GOVT. OF KERALA, HOUSING BOARD COMPLEX, 5TH FLOOR, FIRE FORCE JUNCTION, THIRUVANANTHAPURAM 695 001**

4. **SENIOR ADMINISTRATIVE OFFICER, OFFICE OF THE DIRECTOR OF GENERAL EDUCATION, GOVT. OF KERALA, HOUSING BOARD COMPLEX, 5TH FLOOR, FIRE FORCE JUNCTION, THIRUVANANTHAPURAM 695 001**

5. **THE ASST. DIRECTOR, REGIONAL OFFICE OF VOCATIONAL HIGHER SECONDARY EDUCATION, KADAPPAKADA, KOLLAM 691 008**

6 MANAGER,VOCATIONAL HIGHER SECONDARY SCHOOL, KARAVARAM, KALLAMBALAM P.O, THIRUVANANTHAPURAM 695 605

7 THE TREASURY OFFICER, SUB-TREASURY, ATTINGAL 695 101

8 SHAJU S,AGED 48 YEARS S/O. P. SUKUMARAN NAIR, NON-VOCATIONAL TEACHER IN GENERAL FOUNDATION COURSE, VOCATIONAL HIGHER SECONDARY SCHOOL, KARAVARAM, KALLAMBALAM P.O, THIRUVANANTHAPURAM 695 605

9 RATHEESH R, AGED 35 YEARS S/O. RAVEENDRAN NAIR, NON-VOCATIONAL TEACHER IN HISTORY, VOCATIONAL HIGHER SECONDARY SCHOOL, KARAVARAM, KALLAMBALAM P.O, THIRUVANANTHAPURAM 695 605

10 SADIKH N.K, AGED 50 YEARS S/O. KASIM KUNJ, LABORATORY TECHNICAL ASSISTANT IN CIVIL CONSTRUCTION TEACHING , VOCATIONAL HIGHER SECONDARY SCHOOL, KARAVARAM, KALLAMBALAM P.O, THIRUVANANTHAPURAM 695 605

11 ATHEETHA V.S, AGED 31 YEARS D/O. K.C VIJAYAKUMAR, NON-VOCATIONAL TEACHER IN CHEMISTRY, VOCATIONAL HIGHER SECONDARY SCHOOL, KARAVARAM, KALLAMBALAM P.O, THIRUVANANTHAPURAM 695 605

12 MANJUSHA S.M,AGED 39 YEARS D/O. N. MADHAVANKUTTY, VOCATIONAL INSTRUCTOR IN AGRICULTURE, VOCATIONAL HIGHER SECONDARY SCHOOL, KARAVARAM, KALLAMBALAM P.O, THIRUVANANTHAPURAM 695 605

13 SHEEJA S, AGED 50 YEARS D/O. N. SREENIVASAN, NON-VOCATIONAL INSTRUCTOR IN COMPUTER OFFICE MANAGEMENT, VOCATIONAL HIGHER SECONDARY SCHOOL, KARAVARAM, KALLAMBALAM P.O, THIRUVANANTHAPURAM 695 605

14 ANITHA S,
AGED 53 YEARS
D/O. SIVARAJAN, LABORATORY TECHNICAL ASSISTANT IN COMPUTER OFFICE MANAGEMENT, VOCATIONAL HIGHER SECONDARY SCHOOL, KARAVARAM, KALLAMBALAM P.O, THIRUVANANTHAPURAM 695 605

R2 TO R5 - SRI.A.J.VARGHESE,SENIOR GOVERNMENT PLEADER R8 TO R14 - SRI.ABRAHAM VAKKANAL,(SR)
SMT.VINEETHA SUSAN THOMAS
SRI. THOMAS ABRAHAM R1

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 22.12.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 22nd day of December 2020

Shaffique, J

This appeal is filed against an interim order dated 18.11.2020 in I.A.No.1/2020 in W.P.(C).No.23999/2020. The controversy relates to the right of the writ petitioner for appointment to the post of Principal/Drawing and Disbursing Officer. The controversy has been settled by the Government in terms of Ext.R22(f) dated 28.9.2020. However, the said order is under challenge in a separate writ petition, where there is an order of *status quo*.

2. Heard the learned counsel for the respondents.

3. In the present writ petition, the writ petitioner claimed that he should be appointed as Principal/Drawing and Disbursing Officer. In fact, in the writ petition, the appellant was not made a party. Appellant got herself impleaded and of course in I.A.No.1/2020. However, the learned Single Judge directed that the writ petitioner shall be appointed as Principal/Drawing and Disbursing Officer until further orders. Learned counsel for the appellant submits that, insofar as Ext.R22(f) has not been set aside by this Court and the matter is pending consideration, she being the senior most Teacher is eligible to

be appointed as Principal. Her seniority had been upheld in Ext.R22(f). Such being the *prima facie* opinion, giving the benefit of being the Principal/Drawing and Disbursing Officer to the petitioner was not justified.

4. Be that as it may, on account of the controversy involved in the matter, the Deputy Director (General) Public Education Department (VHSE) has issued Ext.P6 dated 21.10.2020 directing that the Assistant Director of VHSE shall be the Drawing and Disbursing Officer. We are of the view that, while the controversy is settled by the decision of this Court in the writ petitions which are now pending before the learned Single Judge, it is only appropriate that the Ext.P6 order dated 21.10.2020 of the Deputy Director (General) Public Education Department (VHSE) shall be maintained until further orders. The parties can seek for early hearing in the matter.

The appeal is allowed as above.

Sd/-

A.M.SHAFFIQUE

JUDGE

Sd/-

GOPINATH P.

JUDGE

kp True copy

P.A. To Judge