IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.

MONDAY, THE 27TH DAY OF MAY 2024 / 6TH JYAISHTA, 1946

WP(C) NO. 938 OF 2024

PETITIONER:

AJITH P.S , AGED 34 YEARS
S/O . SETHUMADHAVAN, LOWER PRIMARY SCHOOL TEACHER (LPST) ST. MARY'S LPS, ACHANAMKODE, KOLLENGODE P.O. PALAKKAD- 678506 RESIDING AT PALAMKEEZHIL HOUSE, GOVINDAPURAM, PALAKKAD DISTRICT, PIN - 678506

BY ADVS.
V.A.MUHAMMED
M.SAJJAD

RESPONDENTS:

1. **STATE OF KERALA**
   REPRESENTED BY ITS PRINCIPAL SECRETARY TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT, SECRETARIAT ANNEXE II, THIRUVANANTHAPURAM, PIN - 695001
2. **THE DIRECTOR OF GENERAL EDUCATION**
   JAGATHY, THIRUVANANTHAPURAM, PIN - 695014
3. **THE DEPUTY DIRECTOR OF EDUCATION, PALAKKAD, PIN - 678001**
4. **THE DISTRICT EDUCATIONAL OFFICER, PALAKKAD, PIN - 678014**
5. **THE ASSISTANT EDUCATIONAL OFFICER**
   KOLLENGODE, PALAKKAD DISTRICT, PIN - 678506
6. **THE MANAGER,ST. MARY'S LPS, ACHANAMKODE, KOLLENGODE P.O. PALAKKAD, PIN - 678506**
7. **THE HEAD MASTER, ST. MARY'S LPS, ACHANAMKODE, KOLLENGODE P.O. PALAKKAD, PIN - 678506**

OTHER PRESENT:

ADV NISHA BOSE-GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27.05.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ZIYAD RAHMAN A.A., J.

W.P(C) No.938 of 2024

Dated this the 27th day of May 2024

JUDGMENT

The petitioner, was appointed as LPSA in the school managed by the 6th respondent, with effect from 18.02.2018 onwards. However, the appointment of the petitioner was not approved, as according to the respondents, the conditions regarding the appointment of the physically disabled persons were not complied with. Later, as per Exhibit P7 order passed by the 2nd respondent, the approval was notionally provided to the appointment of the petitioner with effect from 18.02.2018 to 05.02.2021 in the light of the G.O No. 4/2021 Gen. Edn., dated 06.02.2021. It is reported that the same has been implemented as per order dated 01.04.2024 by the DEO. The petitioner, seeking regular approval, from the date of initial appointment, submitted Exhibit P8 before the Government which is now pending consideration. The petitioner prays for a direction to the 1st respondent to consider and pass orders within a time frame.

2. After hearing the learned counsel for the petitioner and the learned Government Pleader, this writ petition is disposed of directing the 1st respondent to take up Exhibit P8 and to pass appropriate orders in accordance with the law, after hearing the petitioner and the 6th respondent Manager. The orders in this regard shall be passed within a period of 4 months from the date of receipt of a copy of this judgment.

Sd/-
ZIYAD RAHMAN A.A
JUDGE

Anu

APPENDIX OF WP(C) 938/2024

PETITIONER EXHIBITS

Exhibit P1	**TRUE COPY OF THE APPOINTMENT ORDER OF THE PETITIONER DATED 18.12.2018**
Exhibit P2	**TRUE COPY OF THE STAFF FIXATION ORDER FOR THE ACADEMIC YEAR 2015-16 VIDE ORDER NO. D.DIS F/ 1073/2015 DATED 15.07.2014**
Exhibit P3	**TRUE COPY OF THE STAFF STATEMENT AS ON 18.12.2018**
Exhibit P4	**TRUE COPY OF THE ORDER NO. F/63/2019/K.DIS DATED 11.03.2019 BY THE ASSISTANT EDUCATIONAL OFFICER**
Exhibit P5	**TRUE COPY OF THE ORDER NO. B2/26488/19 K.DIS DATED 09.01.2020 DEPUTY DIRECTOR OF EDUCATION**
Exhibit P6	**TRUE COPY OF THE ORDER NO. K.DIS/B4/6761/2019 DATED 09.03.2020 BY THE DISTRICT EDUCATIONAL OFFICER, PALAKKAD**
Exhibit P7	**TRUE COPY OF THE ORDER NO. DGE/7981/2023/ G1 DATED 13.09.2023 BY THE DEPUTY DIRECTOR OF EDUCATION**
Exhibit P8	**TRUE COPY OF THE LETTER SUBMITTED BY THE MANAGER BEFORE THE ASSISTANT EDUCATIONAL OFFICER VIDE NO. LR-38/2023-2024 DATED 06.11.2023**
Exhibit P9	**TRUE COPY OF G.O(RT) NO.4784/2017/G.EDN DATED 13.12.2017 ISSUED BY THE GOVERNMENT**
Exhibit P 10	**TRUE COPY OF G.O (RT) NO.2902/2021/G.EDN DATED 02.06.2021 ISSUED BY THE GOVERNMENT**
Exhibit P 11	**TRUE COPY OF G.O (RT) NO.286/2021/G.EDN DATED 12.01.2021 ISSUED BY THE GOVERNMENT**
Exhibit P12	**TRUE COPY OF GO (RT) NO.4143/2021/G.EDN DATED 18.09.2021 ISSUED BY THE GOVERNMENT**
Exhibit P13	**TRUE COPY OF THE JUDGMENT IN WP(C) NO. 21896/2019 DATED 02.03.2023 OF THIS HON'BLE COURT**
Exhibit P14	**TRUE COPY OF THE DECISION REPORTED IN 2009 (3) KHC 839 DATED 13.01.2009 (STATE OF KERALA AND OTHERS V. JAYAN AND OTHERS)**
Exhibit P15	**TRUE COPY OF G.O (RT) NO. 3316/2021/G.EDN DATED 08.07.2021 ISSUED BY THE GOVERNMENT**