2025:KER:31237

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

THURSDAY, THE 10TH DAY OF APRIL 2025 / 20TH CHAITHRA, 1947

WP(C) NO. 15053 OF 2025

PETITIONER:

SREEVIDYA P.V
AGED 38 YEARS, W/O GANESH,
H.S.A. (MALAYALAM),
MOOTHEDATH HIGHER SECONDARY SCHOOL,
THALIPARAMBA, KANNUR DISTRICT, PIN – 670141.

BY ADVS.
GEORGE ABRAHAM
MARY CATHERINE PRIYANKA P.S.
ALEX TOM JOSEPH

RESPONDENTS:

1 **STATE OF KERALA**
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM, PIN – 695001.

2 **THE DIRECTOR OF GENERAL EDUCATION,**
HIGHER SECONDARY SECTION, JAGATHY,
THIRUVANANTHAPURAM, PIN – 695014.

2025:KER:31237

3 THE REGIONAL DEPUTY DIRECTOR,
HIGHER SECONDARY SECTION, PAYYAMBALAM,
KANNUR, PIN – 670001.

4 SRI. P.V. BABU,
HIGHER SECONDARY SCHOOL TEACHER (MALAYALAM),
MOOTHEDATH HIGHER SECONDARY SCHOOL,
THALIPARAMBA, KANNUR DISTRICT, PIN – 670141.

5 THE MANAGER,
MOOTHEDATH HIGHER SECONDARY SCHOOL,
THALIPARAMBA, KANNUR DISTRICT, PIN – 670141.

BY ADV.SMT. ANIMA M., GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

2025:KER:31237

J U D G M E N T

Dated this the 10th day of April, 2025

The petitioner and the 4th respondent commenced continuous service as H.S.A (Malayalam) on 06.06.2019. The petitioner has passed Master's Degree as well as SET Examination before she joined service as H.S.A. (Malayalam). The appointment of the petitioner was approved by the Department. The 4th respondent, even though he commenced his service in a leave vacancy on 10.09.1997, was retrenched from service on 31.03.2003. Later, after about 13 years, he was offered appointment as U.P.S.A. on 13.06.2016. Still later, he was promoted and posted as H.S.A. (Malayalam) on 06.06.2019 along with the petitioner.

2. The petitioner states that the 4th respondent obtained Master's Degree from University of Calicut through a

correspondence course. The UGC earlier issued 2017 Regulations whereby the UGC restricted the respective Universities to conduct correspondence courses within the territorial jurisdiction of the University alone. The UGC, thereafter, issued stringent regulations in 2020, whereby it was held that any violation with respect to the territorial jurisdiction will invalidate the Degree obtained by a candidate.

3. Admittedly, the 4th respondent is residing within the territorial jurisdiction of Kannur University. He was also employed in the 5th respondent's School, which also situated in Kannur District. Therefore, the Degree obtained by the 4th respondent through a correspondence course cannot be a valid Degree under the provisions of the UGC Act. Hence, the 5th respondent-Manager ought not to have promoted the 4th respondent to the vacancy of HSST (Malayalam).

4. The petitioner staked her claim for promotion, which was not considered by the Manager. Later, the petitioner filed an objection before the Regional Deputy Director, which was not considered by the RDD before the approval order was issued in favour of the 4th respondent. The procedure adopted by the RDD is perse illegal, contends the petitioner. Hence, challenging the approval granted, Ext.P12 revision is filed seeking for appropriate directions.

5. I have heard the learned Counsel for the petitioner and the learned Government Pleader representing respondents 1 to 3. Notice to respondents 4 and 5 is dispensed with in view of the nature of the relief to be granted in this writ petition.

6. The grievance of the petitioner appears to be that though the petitioner was eligible for appointment as HSST, the Manager has ignored the rightful claim of the

petitioner and has appointed the 4th respondent in her place. Against such a decision, the petitioner has preferred Ext.P12 revision petition. In the facts of the case, I am of the view that it would be sufficient if the 1st respondent considers Ext.P12 revision petition and takes appropriate decision thereon expeditiously.

The writ petition is therefore disposed of directing the 1st respondent to consider Ext.P12 revision petition filed by the petitioner and to pass orders thereon within a period of four months after giving an opportunity of hearing to the petitioner and respondents 4 and 5.

Sd/-
N. NAGARESH
JUDGE

ams

APPENDIX OF WP(C) 15053/2025

PETITIONER EXHIBITS

Exhibit P1	**A TRUE COPY OF THE APPOINTMENT ORDER DATED 06/06/2019 ISSUED BY THE MANAGER**
Exhibit P2	**A TRUE COPY OF THE ORDER NO. B1/11683/19 DATED 30/03/2021 ISSUED BY THE DISTRICT EDUCATIONAL OFFICER, THALIPARAMBA**
Exhibit P3	**A TRUE COPY OF THE RANK CERTIFICATE ISSUED BY THE KANNUR UNIVERSITY DATED 07/03/2008**
Exhibit P4	**A TRUE COPY OF THE DEGREE CERTIFICATE ISSUED BY THE KANNUR UNIVERSITY DATED 11/08/2011**
Exhibit P5	**A TRUE COPY OF THE B.ED. DEGREE CERTIFICATE ISSUED BY THE KANNUR UNIVERSITY DATED 15/06/2012**
Exhibit P6	**A TRUE COPY OF THE CERTIFICATE ISSUED BY THE DIRECTORATE OF HIGHER SECONDARY EDUCATION DATED 31/10/2015**
Exhibit P7	**A TRUE COPY OF THE UNIVERSITY GRANTS COMMISSION NET CERTIFICATE DATED 15/04/2019**
Exhibit P8	**A TRUE COPY OF THE SECOND REQUEST SUBMITTED BY THE PETITIONER TO THE MANAGER DATED 01/08/2024**

Exhibit P9	**A TRUE COPY OF THE PETITION SUBMITTED BY THE PETITIONER DATED 28/09/2024**
Exhibit P10	**A TRUE COPY OF THE APPROVAL ORDER NO.RDDHSE/KNR/2925/2024 – B3 DATED 11/03/2025 GRANTED IN FAVOUR OF THE 4TH RESPONDENT BY THE 3RD RESPONDENT**
Exhibit P11	**A TRUE COPY OF THE ORDER NO. RDDHSE/KNR/2024-B3 DATED 17/03/2025 ISSUED BY THE REGIONAL DEPUTY DIRECTOR**
Exhibit P12	**A TRUE COPY OF THE REVISION SUBMITTED BY THE PETITIONER**