
(2010) 09 KL CK 0131

In the High Court Of Kerala

Case No : Writ Petition (C) No. 27254 of 2010 (F)

A.K. Anjana

APPELLANT

Vs

The State of Kerala and Others

RESPONDENT

Date of Decision : 02-09-2010

Acts Referred:

Citation : (2010) 09 KL CK 0131

Hon'ble Judges : K.T. Sankaran, J

Bench : Single Bench

Advocate : V.A. Muhammed, for the Appellant; No Appearance, for the Respondent

Judgement

K.T. Sankaran, J.—In the manner in which I propose to dispose of the Writ Petition, it is not necessary to issue notice to respondent Nos. 5 and 6.

2. The case of the petitioner is the following:

The petitioner was appointed as UPSA in a leave vacancy on 7.11.2000. Thereafter, she was appointed on 2.6.2003 as UPSA in a regular vacancy. These appointments were approved. The sixth respondent (Mini Karankara) was working as LPSA in the school. The Manager issued orders shifting the sixth respondent to the category of UPSA with effect from 25.7.2008 retrenching the petitioner from service. The petitioner filed a representation before the District Educational Officer, Wandoor which was rejected as per Ext.P1 order dated 22.8.2009. The petitioner filed Ext.P2 appeal before the Deputy Director of Education. The petitioner made subsequent representations also. Ext.P2 appeal was disposed of by the Deputy Director of Education as per Ext.P12 order dated 6.8.2010. Challenging Ext.P12 order, the petitioner filed Ext.P13 revision dated 16.8.2010 before the Government. It is stated that Ext.P13 revision is pending.

3. According to the petitioner, LPSA cannot be shifted as UPSA as vice versa. The petitioner relies on various Government Orders and also the judgment in Rejimol Vs. Asst. Educational Officer, (Ext.P9) and the judgment dated 19th October,

2007 in W.P.(C) Nos. 3427 and 25115 of 2006 (Ext.P10) in support of her contention.

4. The reliefs prayed for in the Writ Petition are the following:

(i) call for the records relating to Exhibits P1, P3 and P12 and quash the originals of the same by the issue of a writ of certiorari or other appropriate writ or order.

(ii) issue a writ of mandamus or other appropriate writ order or direction commanding the fifth respondent to post the petitioner as UPSC from 15.7.2008 onwards.

(iii) issue a writ of mandamus or other appropriate writ order or direction commanding the first respondent to effectively consider and pass appropriate orders upon Ext. P13 after affording an opportunity of being heard to the petitioner within a time limit.

(iv) pass such other order or direction which this Hon'ble Court may deem fit and proper to grant in the circumstances of the case.

5. The learned Counsel for the petitioner submitted that for the time being, the petitioner confines the relief to relief No. (iii) for a direction to dispose of Ext.P13. The request is just and reasonable.

6. In the facts and circumstances of the case, there will be a direction to the first respondent to dispose of Ext.P13 revision, as expeditiously as possible and at any rate, within a period of three months from the date of receipt of a copy of this judgment, after affording an opportunity of being heard to the petitioner, Manager and the sixth respondent. The petitioner shall send copy of the Writ Petition and a copy of the judgment to respondent Nos. 5 and 6 by registered post and shall produce proof of the same before the first respondent. The petitioner shall also produce a copy of the Writ Petition and a certified copy of the judgment before the first respondent.

The Writ Petition is disposed of as above.