

(2010) 09 KL CK 0291

In the High Court Of Kerala

Case No : Writ Petition (C) . No. 28520 of 2010 (L)

Fr. Sebastian and Leena V.A., High School Assistant (Hindi)

APPELLANT

Vs

The State of Kerala, The Director of Public Instruction, The
Deputy Director of Education and The District Educational
Officer

RESPONDENT

Date of Decision : 15-09-2010

Acts Referred:

Citation : (2010) 09 KL CK 0291

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.—The first petitioner is the Manger of Mary Matha High School, Panthalampadam, Panniankara. The second petitioner is the High School Assistant (Hindi) in that school. It is stated that the first petitioner appointed the second petitioner as High School Assistant (Hindi) with effect from 2.6.2008 against the retirement vacancy of Manju Samual, HSA (Hindi). Approval was not granted by the District Educational Officer as per the order dated 4.10.2008 (Exhibit P1) stating that the appointment cannot be approved as the Manager did not appoint a protected teacher. The Manager filed an appeal against Ext.P1 before the Deputy Director of Education, who as per Ext.P2 order dated 9.6.2009 rejected the appeal upholding Ext.P1 order. The appeal filed before the Director of Public Instruction was dismissed by him as per Ext.P3 order dated 17.12.2009. Against Ext.P3, the first petitioner has filed Ext.P4 revision dated 16.2.2010 before the Government. Ext.P4 revision is pending disposal.

2. The petitioners submit that the orders passed by the authorities below are erroneous in the light of Ext.P5 Government Order and Ext.P6 circular. The petitioners also rely on Exts.P7 and P8 judgments.

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

(i) call for the records relating to Exhibits P1, P2 and P3 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 fourth respondent District Educational Officer, Palakkad to approve the appointment of the second petitioner as HSA (Hindi) from 2.6.2008 and disburse the salary and allowances from 2.6.2008 forthwith.

(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.P4 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.

The learned Counsel for the petitioners submitted that for the time being, the petitioners would be satisfied, if relief No. (iii) is granted leaving open the contentions raised by them.

4. Accordingly, the Writ Petition is disposed of as follows:

The first respondent shall consider and dispose of Ext.P4 revision dated 16.2.2010 filed by the Manager, 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 petitioners and any other affected party. The petitioners would be entitled to make a detailed representation before the first respondent. The petitioners shall produce a copy of the Writ Petition and a certified copy of the judgment before the first respondent.