
(2010) 09 KL CK 0170

In the High Court Of Kerala

Case No : Writ Petition (C) No. 29956 of 2010 (T)

K.P. Shanthakumari

APPELLANT

Vs

State of Kerala and The District Educational Officer

RESPONDENT

Date of Decision : 29-09-2010

Acts Referred:

Citation : (2010) 09 KL CK 0170

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

Bench : Single Bench

Advocate : V. Ramkumar Nambiar, for the Appellant; No Appearance, for the Respondent

Final Decision : Allowed

Judgement

K.T. Sankaran, J.—The petitioner is the Headmistress in charge of the High School Division of E.M.S. Smaraka Government Higher Secondary School, Pappinissery. It is stated that the School was a Panchayat School and in view of the Government Order, G.O.(MS) No. 2/2010/G.Edn. dated 2.1.2010, the School became a Government School. The petitioner was working as High School Assistant in the School since 1982. It is also stated that she is the senior most High School Assistant in the School and that she has got the prescribed qualification for being appointed as Headmistress. Sri.C.Ramachandran was working as Headmaster of the School when it was a Panchayat Higher Secondary School. It is stated that C.Ramachandran was suspended from service on 3.6.2009 and the petitioner, being the senior most teacher, was given charge of the Headmistress. The suspension of C.Ramachandran was subsequently revoked and he joined service on 5.12.2009. C.Ramachandran retired from service on superannuation on 31.3.2010. Thereafter, the petitioner was given full additional charge of the Headmistress with effect from 1.4.2010, as per Ext.P1 order passed by the District Educational Officer.

2. As per the Government Order dated 2.1.2010, the Panchayat School was taken over by the Government. As per Ext.P2 G.O.(MS) No. 68/2010/G.Edn.

dated 26.4.2010, all the existing Headmasters and Principals were directed to continue temporarily. After taking over of the School by the Government, the name of the School was changed as E.M.S. Smaraka Government Higher Secondary School.

3. The grievance of the petitioner is that though the petitioner is the senior most High School Assistant in the School, she was not appointed as Headmistress. The petitioner submitted Ext.P4 representation dated 17.2.2010, to the first respondent praying that she may be appointed as Headmistress. Ext.P4 representation is not yet disposed of. The learned counsel for the petitioner pointed out that the District Educational Officer had sent Ext.P5 letter dated 30.3.2010 to the Government requesting to consider the request of the petitioner on merits.

4. The relief prayed for by the petitioner in the Writ Petition is to issue a writ of mandamus directing the first respondent to consider and pass appropriate orders on Ext.P4 representation dated 17.2.2010.

In the facts and circumstances of the case, the Writ Petition is allowed. The first respondent shall consider Ext.P4 representation dated 17.2.2010 submitted by the petitioner, after taking note of Ext.P5 letter sent by the District Educational Officer, as expeditiously as possible and, at any rate, within a period of one month from the date of receipt of a copy of the judgment. It is submitted by the learned counsel for the petitioner that the petitioner waives any right of personal hearing in the matter. The petitioner shall submit a copy of the Writ Petition and a certified copy of the judgment before the first respondent.