

(2010) 10 KL CK 0189

In the High Court Of Kerala

Case No : Writ Petition (C) No. 31213 of 2010 (B)

Lathika C.M.

APPELLANT

Vs

State of Kerala, Director of Public Instructions, District
Educational Officer and M.D. Suresh Kumar

RESPONDENT

Date of Decision : 29-10-2010

Acts Referred:

Kerala Education Rules, 1959 — Rule 43

Citation : (2010) 10 KL CK 0189

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

Bench : Single Bench

Advocate : C.K. Sreejith, for the Appellant; No Appearance, for the Respondent

Judgement

K.T. Sankaran, J.—The petitioner was appointed as HSA(Malayalam) in Rajas High School, Nileshwar, Kasaragod District in a leave vacancy with effect from 2.7.2007 to 4.6.2008, as per Ext.P1 appointment order. It is stated that the appointment was approved by the District Educational Officer. It is stated that during the academic year 2007-2008 one Suresh Kumar was appointed as HSA(Malayalam) by promotion in a retirement vacancy. For want of students strength one post of HSA(Malayalam) was abolished in 2007-2008. It is stated that the proposal for approval of appointment of Suresh Kumar was therefore, declined and he was reverted to the original post as per order dated 1.2.2008. It is also stated that after a lapse of 18 months, Suresh Kumar made a complaint to the Director of Public Instruction stating that he should have been appointed in the place of the petitioner, on the ground that he was a claimant under Rule 43 of Chapter XIV A of the Kerala Education Rules. The Director of Public Instruction passed Ext.P8 order dated 28.8.2010 cancelling the approval of appointment of the petitioner and further directing refund of the loss sustained to the Government after assessing the same. The petitioner challenged Ext.P8 order passed by the Director of Public Instruction before the Government in Ext.P9 revision dated 28.9.2010. Ext.P9 revision is pending disposal.

2. Though the petitioner has claimed several reliefs, the learned Counsel for the petitioner submitted that for the time being, it would be sufficient, if a direction is issued to dispose of Ext.P9 revision expeditiously.

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

a) The first respondent shall consider and dispose of Ext.P9 revision filed by the petitioner as expeditiously as possible, and at any rate within a period of three months from the date of receipt of a copy of the judgment, after affording an opportunity of being heard to the petitioner, 4th respondent and the Manager.

b) The petitioner shall produce a copy of the Writ Petition and certified copy of the judgment before the first respondent.

c) The petitioner shall send a copy of the Writ Petition and a copy of the judgment to the 4th respondent by registered post and he shall produce proof of the same before the first respondent.