

(2014) 02 KL CK 0119
In the High Court Of Kerala
Case No : W.A. No. 195 of 2014

Maji George A.

APPELLANT

Vs

State of Kerala

RESPONDENT

Date of Decision : 13-02-2014

Acts Referred:

Citation : (2014) 1 KHC 829 : (2014) 2 KLJ 208 : (2014) 2 KLT 310

Hon'ble Judges : T.B. Radhakrishnan, J;A. Muhamed Mustaque, J

Bench : Division Bench

Advocate : V.A. Muhammed, Advocate for the Appellant

Final Decision : Dismissed

Judgement

T.B. Radhakrishnan, J.—Writ petitioner is the appellant. She sought a declaration that she is entitled to be retained under 1:40 ratio for the years 2002-03, 2004-05 and 2005-06. The issue arises in the wake of the requirement to appoint High School Assistant (English). Admittedly, the fourth respondent is a qualified HSA (English) and the petitioner can never aspire to be an HSA (English) because she is an HSA (Mathematics). Learned Single Judge has rightly noted that there being no challenge to Rule 6(1) of Chapter XXIII of the Kerala Education Rules and because the staff fixation orders of the aforesaid three years have also become final, the petitioner is not entitled to any remedy, and therefore, Ext. P7, which was impugned in the writ petition, is sustainable.

2. Staff fixation orders are issued from year to year on the basis of different indicia, which are statutorily prescribed. For each year, this is a regular exercise. Those staff fixation orders are amenable to statutory appeals and revisions. Once a staff fixation order has become final, that would be one of the foundations, even for the subsequent staff fixation orders. Hence, when staff fixation orders are final and left without any challenge, it would be impossible for the Government to disturb them and the resultant situations arising from the finality of staff fixation orders. Under such circumstances, it would be impermissible and

untenable to admit any challenge de hors such staff fixation orders. In this view of the matter, we see no ground to interfere with the impugned decision rendered by the learned Single Judge. This writ appeal, therefore, fails.

In the result, this writ appeal is dismissed in limine.