

(2010) 09 KL CK 0143

In the High Court Of Kerala

Case No : Writ Petition (C) No. 27999 of 2010 (Y)

Mini Sherin Mitra (Retrenched UPSA)

APPELLANT

Vs

State of Kerala, Director of Public Instructions, Assistant
Educational Officer (North) and Manager

RESPONDENT

Date of Decision : 09-09-2010

Acts Referred:

Citation : (2010) 09 KL CK 0143

Hon'ble Judges : S. Siri Jagan, J

Bench : Single Bench

Advocate : S. Mohandas, for the Appellant; No Appearance, for the Respondent

Judgement

S. Siri Jagan, J.—The petitioner was appointed as a regular UPSA in the 4th respondent's school. On staff fixation for the year 2007-08, for want of one student, the petitioner's salary was withheld on the ground that the student strength does not warrant a post to accommodate the petitioner. According to the petitioner, a higher verification ought to have been conducted, which was not. During 2008-2009, against a promotion vacancy, the petitioner was reappointed. But still, although there were sufficient students on the rolls, since there was not enough attendance on the date of higher verification, staff strength was again reduced. According to the petitioner, it was on account of a festival programme in the nearby temple, on the date of higher verification there was not enough student strength. According to the petitioner, ultimately, the original student strength on the rolls as on the first verification passed from Class VII, which would go to show that there were actually 51 students although on the date of higher verification, some of them were absent for the above reason. In the above circumstances, the petitioner and the manager of the school have filed Exts.P6 and P5 petitions respectively before the 2nd respondent. The petitioner seeks a direction to the 2nd respondent to consider and pass orders on Exts.P5 and P6 expeditiously.

2. I have heard the learned Government Pleader also.

3. In the facts and circumstances of the case, I dispose of this writ petition with a direction to the 2nd respondent to consider and pass orders on Exts.P5 and P6, after affording an opportunity of being heard to the petitioner and the 4th respondent, as expeditiously as possible, at any rate, within two months from the date of receipt of a certified copy of this judgment.