
(2021) 02 KL CK 0155
In the High Court Of Kerala
Case No : Writ Petition (C) No. 220 Of 2021

Najama V

APPELLANT

Vs

State Of Kerala And Ors

RESPONDENT

Date of Decision : 17-02-2021

Acts Referred:

Citation : (2021) 02 KL CK 0155

Hon'ble Judges : Anu Sivaraman, J

Bench : Single Bench

Advocate : Poovamulle Parambil Abdulkareem, T Rajasekharan Nair

Judgement

1. This writ petition is filed seeking the following reliefs:

â??I. To issue a writ of certiorari or any other appropriate writ or order quashing Exts.P2 & P8 and to the extent denial of approval from

the date of appointment in Ext.P1 as it is illegal and unjustifiable.

II. To issue a writ mandamus or any other appropriate writ or order or direction directing the 3rd respondent to approve the appointment of

the petitioner as Arabic Teacher (Part-Time) from 01.06.2009 onwards in Karayad East ALP School, Karayad and to direct to disburse all

consequential monitory benefits to her forthwith.

III. To declare that the petitioner is entitled to get approval as Arabic Teacher in the light of Ext.P5 Judgment issued by this Hon'ble

Court.â??

2. Heard the learned counsel for the petitioner and the learned Government Pleader.

3. It is submitted by the learned counsel for the petitioner that Ext.P8 order has been passed by the Government with regard to the approval of

appointment of the petitioner from the initial date of appointment i.e, 01.06.2009 and has directed that the said appointment shall be approved on

condition that the Manager submits a bond in terms of G.O.(P). No.10/10.G.Edn. Dated 12.01.2010. It is submitted by the learned counsel for the

petitioner that the Manager would not be willing to execute such a bond and that like in all other cases where this Court has directed the Manager

should be deemed to have executed the bond and the appointment is liable to be approved.

4. The learned Government Pleader submits that, if the Manager executes a bond, the issue will be resolved. However, in view of the fact that the

availability of the vacancy stands established and since there is no other objection for the approval of the petitioner's appointment but the fact that the

Manager has not submitted a bond in terms of the G.O.(P). No.10/10, I am of the opinion that the Manager should be deemed to have executed the

bond and the appointment of the petitioner should therefore be approved as provided in Ext.P8.

In the above view of the matter, there will be a direction to respondents 1 to 3 to deem that the Manager has executed the bond and to approve the

appointment of the petitioner from 01.06.2009 onwards. Even in case the Manager has challenged the provisions of G.O.(P). No.10/10 before the

Apex Court, I am of the opinion that the deeming can be taken note of subject to the final orders to be passed by the Apex Court. Appropriate orders

shall be passed by the 3rd respondent on implementing Ext.P8 deeming that the Manager has executed the bond within a period of one month from the

date of receipt of a copy of this judgment. Monetary benefits shall be disbursed within a period of three months thereafter.

This writ petition is ordered accordingly.