
(2011) 03 KL CK 0061

In the High Court Of Kerala

Case No : Writ Petition (C) . No. 8587 of 2011 (W)

Sreedevi Balakrishnan

APPELLANT

Vs

The State of Kerala and Others

RESPONDENT

Date of Decision : 18-03-2011

Acts Referred:

Citation : (2011) 03 KL CK 0061

Hon'ble Judges : T.R. Ramachandran Nair, J

Bench : Single Bench

Advocate : V.A. Muhammed, for the Appellant; N. Sugathan, for the Respondent

Judgement

T.R. Ramachandran Nair, J.—The writ petition is filed with a main prayer to direct the second Respondent to take a decision on Ext.P7 revision petition.

2. Heard the learned Counsel for the Petitioner and the learned Counsel appearing for Respondent Nos. 4 and 5 respectively.

3. The Petitioner has got approved service as Full-time Menial, in the school managed by the fourth Respondent, since 01/01/2001. She is working as Peon from 03/12/2005. According to the Petitioner, she is eligible to be promoted to the post of U.P.S.A under Rule 43 of Chapter XIV-A K.E.R and, accordingly, requests as per Exts.P1 to P3 were submitted. It is the case of the Petitioner that to prevent her from getting due promotion, the Manager commenced disciplinary action and even though permission was sought for imposing punishment, that was declined by the District Educational Officer as per Ext.P4 order. It is the further case of the Petitioner that the fifth Respondent, a fresh hand, in the meanwhile approached this Court by filing W.P.(C). No. 8560/2010 wherein an interim order was passed as per Ext.P5 directing the District Educational Officer to approve the appointments of the Management during the years 2006-07 onwards on condition that the Manager complies with all the conditions in G.O. (P). No. 10/10/Gl. Edn., dated 12/01/2010. The Petitioner also filed a writ petition as W.P.(C). No. 595/2011 wherein the third Respondent was directed to

consider and pass orders on the representation filed by the Petitioner. By Ext.P6, the District Educational Officer has passed orders, to approve the appointment of the fifth Respondent.

4. The learned Counsel for the fifth Respondent submitted that one post is kept vacant by the Management as there is a direction in Ext.P6 order to keep one among the vacancies of U.P.S.A which arose during the year 2006-07 vacant till the finalisation of the disciplinary proceedings against the Petitioner herein. What is sought for by the Petitioner is a direction to the second Respondent to take a decision on Ext.P7 revision petition. Even though, the same is filed only in March 2011, it is only proper that a decision is taken on the same so that the grievance of the Petitioner will be considered appropriately by the second Respondent.

5. There will be a direction to the Director of Public Instruction to take a decision in accordance with law on Ext.P7 after hearing the Petitioner and Respondent Nos. 4 and 5 within a period of two months from the date of receipt of a copy of this Judgment. The Petitioner will produce a copy of the writ petition along with a copy of the judgment before the second Respondent for compliance. The writ petition is disposed of as above. No costs.