

(2014) 01 KL CK 0030

In the High Court Of Kerala

Case No : WA No. 133 of 2014 in WP (C). 4705/2012

State of Kerala

APPELLANT

Vs

Sajitha P.

RESPONDENT

Date of Decision : 27-01-2014

Acts Referred:

Citation : (2014) 01 KL CK 0030

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

Bench : Division Bench

Advocate : Noble Mathew by Senior Government Pleader, Advocate for the Appellant; P. Sreekumar, Advocate for the Respondent

Final Decision : Dismissed

Judgement

Thottathil B. Radhakrishnan, J.—The respondent was appointed as H.S.A. Maths as against a retirement vacancy in a high school on 01.11.2002, on the premise that there was a Government Order which provided a 1:1:1 ratio between English, Social Studies, Mathematics and Science. Department refused to approve that appointment. That was a period during which considerable litigations were pending as regards the sustainability of that Government Order. In Suguna Prakash Vs. State of Kerala, , a learned single Judge held that Government Order to be a void one. That was reversed by the Division Bench in Baiju Vs. Suguna Prakash, . Later, another Government order was brought in on 01.02.2006, on the question of protection of teachers and appointment of protected teachers. That ultimately found its waterloo in State of Kerala Vs. Nadeera, which has since been affirmed by the Honourable Supreme Court of India. In the aforesaid fact situation, the learned single Judge noticed that the respondent's appointment as H.S.A. Maths was to regular vacancy and it did not result in displacement of H.S.A. English, appointed as per Government Order dated 07.01.2002. The said teacher was appointed in the regular post and she continued there. The learned single Judge also noted that the Government did not have a case that the manager failed to appoint a protected teacher, despite a

list being supplied by any educational authority. In this view of the matter, we do not find any ground to interfere with the decision of the learned single Judge in this intra-court appeal u/s 5 of the High Court Act. Therefore, this writ appeal fails.

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