
(2014) 03 KL CK 0076

In the High Court Of Kerala

Case No : W.A. No. 2301 of 2009 in W.P. (C) No. 27235 of 2008

State of Kerala

APPELLANT

Vs

Sunitha

RESPONDENT

Date of Decision : 21-03-2014

Acts Referred:

Citation : (2014) 2 KLT 986

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

Bench : Division Bench

Advocate : A.J. Jose Aedaiodi, Government Pleader, Advocate for the Appellant;
P. Sanjay, Glen Antony, M. Vanaja and T.S. John, Advocate for the Respondent

Final Decision : Dismissed

Judgement

Thottathil B. Radhakrishnan, J.—Heard the learned Government Pleader and the learned counsel for the first respondent. State of Kerala challenges the judgment of the learned single Judge interfering with the cancellation of approval of the appointment of the writ petitioner as Higher Secondary School Teacher (H.S.S.T.) Junior in English in the aided School on the ground that there are six H.S.S.Ts. in the School and there cannot be a sanctioned post of H.S.S.T. (Junior) in English.

2. The learned single Judge adverted to the materials and found that Ext.P4 staff fixation order was issued by the Director of Higher Secondary Education, sanctioning six posts of H.S.S.Ts. and one post of H.S.S.T. (Junior) in English for the year 2001-2002. The learned single Judge has noted that as long as that staff fixation order is not cancelled, the Regional Deputy Director for Higher Secondary Education cannot, on the ground that there are no sufficient periods in English to sanction one post of H.S.S.T. (Junior) in English, cancel the approval already granted. This is in conformity with the settled legal principles, which we reiterate, to remind, that the staff fixation orders are statutory orders which are issued from time to time on regular basis following the different prescribed yardsticks and they are amenable to challenge in appeal, revision, review etc., in a hierarchy and on conclusion of such statutory proceedings, the matter has to

be treated as final and once such decision has become final, it binds not only schools and the teachers, but also the establishment and the statutory authorities, as well as the authorities bound to give effect the scheme for aid. This Writ Appeal, therefore, fails.