
(2014) 02 KL CK 0006

In the High Court Of Kerala

Case No : W.A. Nos. 596 & 1032 of 2013

The State of Kerala

APPELLANT

Vs

Reena Susan Mathew

RESPONDENT

Date of Decision : 11-02-2014

Acts Referred:

Citation : (2014) 02 KL CK 0006

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

Bench : Division Bench

Advocate : Muhamood T.T., Spl. Govt. Pleader, Advocate for the Appellant; S. Subhash Chand, Advocate for R1, Sri V.A. Muhammed and Sri V. Rajasekharan Nair, Advocates for R2, Advocate for the Respondent

Final Decision : Dismissed

Judgement

Thottathil B. Radhakrishnan, J.—These writ appeals are filed by the State Government challenging the judgments of the learned single Judge interfering with the decision to refuse approval of appointments of certain teachers.

2. Having heard the learned Senior Government Pleader and the learned counsel appearing for the different private respondents, we see that the school involved in these writ appeals is the same and the refusal to grant approval is built on the plea that the Manager had not appointed persons who were included in the list of protected teachers.

3. Scanning the writ petition and the counter affidavit, we see that the Government had never a case before the learned single Judge that the Department had communicated the list of protected teachers prepared by the Department to the Manager concerned, thereby making it obligatory on that Manager to make appointment from that list. Bereft of such communication by the Department, the Manager does not have any liability to be saddled with the responsibility to get the list from the Department and then make the appointments. This position stands affirmed by the Hon'ble Supreme Court of

India and this Court in Nadeera v. State of Kerala[2011(3) KLT 790] as affirmed by the Division Bench in State of Kerala Vs. Nadeera, . We also record the submission on behalf of some of the private respondents that even on facts, there is no plea that the list of protected teachers was available. The aforesaid position also is covered by the judgment delivered today in Writ Appeal No. 1267 of 2012.

4. For the aforesaid reasons, the judgments impugned in these writ appeals do not warrant interference. Therefore, these writ appeals fail.

In the result, the writ appeals are dismissed. No costs.