
(2010) 09 KL CK 0332

In the High Court Of Kerala

Case No : Writ Petition (C) No. 3469 of 2010 (G)

Thushara L. Unni

APPELLANT

Vs

The Manager, Perumal Kovil Devaswom, The Assistant
Educational Officer, The District Educational Officer and State
of Kerala

RESPONDENT

Date of Decision : 22-09-2010

Acts Referred:

Kerala Education Rules, 1959 — Rule 51A

Citation : (2010) 09 KL CK 0332

Hon'ble Judges : K.T. Sankaran, J

Bench : Single Bench

**Advocate : George Abraham, for the Appellant; No Appearance, for the
Respondent**

Judgement

K.T. Sankaran, J.—The petitioner was appointed as Hindi Teacher (Full Time) at P.K.D.U.P. School, Kollengode, for the period from 2.7.1997 to 11.9.1997 against the leave vacancy of Seethalakshmy K.R. According to the petitioner, she became a claimant under Rule 51A of Chapter XIV A of the Kerala Education Rules, in view of the approval of appointment for the aforesaid period. However, when a retirement vacancy arose, another person was appointed. In this Writ Petition, the challenge is not against the appointment of another person ignoring the claim of the petitioner under Rule 51A. On the other hand, the learned Counsel for the petitioner submitted that a regular vacancy of UPSA arose on 1.6.2009 and the petitioner was appointed as UPSA, as per Ext.P12 order of appointment dated 1.6.2009. The Assistant Educational Officer rejected the proposal for approval as per Ext.P14 order dated 8.1.2010, which reads as follows:

The appointment of Smt. Thushara L. Unni, U.P.S.A., w.e.f. 1.6.09 at P.K.D.U.P. School, Kollengode is rejected as the order of the Commissioner HR and CE Dept. (Now Malabar Devaswom Board) dated 22.7.08 to temporarily stop the approval of appointments at P.K.D.U.P. School, Kollengode still exists as per reference No.

3. The conduct certificate attached along with the proposal is not acceptable. The original certificates and connected file is herewith attached.

Against Ext.P14 order, the petitioner filed Ext.P15 appeal before the District Educational Officer, Palakkad. It is stated that Ext.P15 appeal is pending.

2. The reliefs prayed for in the Writ Petition are the following:

(i) to issue a Writ of Mandamus or any other appropriate writ, order or direction directing the Manager to issue appointment order to the petitioner from the academic year 2006-07 onwards as Upper Primary School Assistant since the petitioner is fully qualified for the said post and also there is vacancy available in the school;

(ii) to issue a Writ of Certiorari or any other appropriate writ, order or direction to quash Exhibit P14;

(iii) to issue a Writ of Mandamus or any other appropriate writ, order or direction directing the Assistant Educational Officer, Kollengode to approve the appointment of the petitioner as Upper Primary School Assistant on the basis of Exhibit P12 appointment order;

(iv) to issue a Writ of Mandamus or any other appropriate writ, order or direction directing the District Educational Officer, Palakkad to consider Exhibit P15 appeal filed by the petitioner and take decision without any further delay;

(v) to grant such other and further reliefs as this Honourable Court may consider just and proper in the facts and circumstances of the case.

3. The learned Counsel for the petitioner submitted that, for the time being, the petitioner would be satisfied if relief (iv) is granted, leaving open her contentions raised in the Writ Petition. The request is just and reasonable.

Accordingly, the Writ Petition is disposed of as follows:

(a) The District Educational Officer, Palakkad shall consider and dispose of Ext.P15 appeal as expeditiously as possible and, at any rate, within a period of two months, after affording an opportunity of being heard to the petitioner, the Manager and any other affected party.

(b) The petitioner shall produce a copy of the Writ Petition and the certified copy of the judgment before the District Educational Officer.