
(2012) 10 KL CK 0055

In the High Court Of Kerala

Case No : Writ Petition (C) No. 20590 of 2012 (W)

V. Veena Nadh

APPELLANT

Vs

The State of Kerala and Others

RESPONDENT

Date of Decision : 18-10-2012

Acts Referred:

Citation : (2012) 10 KL CK 0055

Hon'ble Judges : P.R. Ramachandra Menon, J

Bench : Single Bench

Advocate : M.V. Bose, Sri. Vinod Madhavan and Smt. Nisha Bose, for the Appellant; K.A. Lowsy, Government Pleader for R1 to R4, for the Respondent

Judgement

Justice P.R. Ramachandra Menon

1. The petitioner has approached this Court with the following prayers :

(i) to call for the entire records leading upto Ext.P2 and Ext.P9 and to quash the same by the issuance of a writ of certiorari or any other writ, direction or order.

(ii) to issue a writ of mandamus compelling the respondents to accord approval of the petitioner as has (Maths) from 01.06.2010 in preference to the 6th respondent.

(iii) to declare that the petitioner is senior to the 6th respondent so as to accord approval to her appointment from 01.06.2010 in preference to the 6th respondent.

(iv) to issue any other order or direction as this Hon''ble Court may deem fit and proper in the facts and circumstances of the case.

And

(v) to award the cost of the petitioner in these proceedings.

The learned counsel for the petitioner submits that, by virtue of Ext.P3 order

passed by the 3rd respondent, the appointment of the petitioner was approved with effect from 01.06.2010; but the same came to be wrongly intercepted as per Ext.P6 order dated 25.05.2012 issued by the Addl. Director General of Public Instructions, whereby the appointment of the 5th respondent was ordered to be treated as against the retirement vacancy, which runs detrimental to the interest of the petitioner. Based on Ext.P6, appointment of the 6th respondent was approved by the DEO as per Ext.P9 order dated 16.06.2012. As the course and proceedings pursued by the departmental authorities are not in conformity with the relevant provisions of law and the actual facts and figures, the petitioner has preferred a statutory revision petition by way of Ext.P7 under Rule 92 of Chapter XIVA KER, which is pending consideration before the first respondent. The delay in finalising of the said proceedings is causing irreparable loss and injury to the petitioner, who is made to work without any salary, submits the learned counsel.

Despite the completion of service of notice, there is nobody to represent the 6th respondent. No counter affidavit has been filed as well.

2. After hearing the learned counsel for the petitioner and also the learned Government Pleader appearing for the State/departmental authorities, the writ petition is disposed of, directing the first respondent to consider and pass appropriate orders on Ext.P7, in accordance with law, after giving an opportunity of hearing to the petitioner and so also to the 6th respondent at the earliest, at any rate, within "three months" from the date of receipt of a copy of this judgment.

"Status quo" as on date will continue till such time.