

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 30TH NOVEMBER 2006 / 9TH AGRAHAYANA 1928

WP(C).No. 31811 of 2006(K)

PETITIONER:

DAVID.K.C.,
S/O.K.T.CHERUNNI, HIGHER SECONDARY SCHOOL TEACHER,
CHALAVARA HIGHER SECONDARY SCHOOL, CHALAVARA P.O.
PALAKKAD DISTRICT.

BY ADV. SRI.M.V.THAMBAN
SRI.K.V.ANIL KUMAR

RESPONDENTS:

1. STATE OF KERALA REPRESENTED BY
THE SECRETARY TO THE GOVERNMENT
DEPARTMENT OF GENERAL EDUCATION,
(HIGHER SECONDARY), GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.
2. THE DIRECTOR,
HIGHER SECONDARY EDUCATION,
THIRUVANANTHAPURAM.
3. THE MANAGER,
CHALAVARA HIGHER SECONDARY SCHOOL,
CHALAVARA (PO),
PALAKKAD DISTRICT.
4. SMT.A.P.RAJARAJESWARI,
PRINCIPAL-IN-CHARGE, CHALAVARA HIGHER SECONDARY
SCHOOL, CHALAVARA P.O., PALAKKAD DISTRICT.
5. THE REGIONAL DEPUTY DIRECTOR OF
HIGHER SECONDARY EDUCATION,
EDAPPALLY P.O., ERNAKULAM.

BY GOVERNMENT PLEADER SRI.A.J.VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 30/11/2006, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J
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W.P.(C) No.31811 Of 2006
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Dated this the 30th day of November, 2006.

J U D G M E N T

The petitioner seeks placement as Principal of a Higher Secondary School. His complaint against the Manager regarding non consideration of his case was taken up by the Government. However, the order passed by the Government in his favour was set aside by this Court as per Ext.P7 judgment on the ground that the rival candidate was not heard. Following that, the management made selection and is stated to have appointed the 4th respondent as the Principal. Such appointment is stated to be pending consideration for approval at the hands of the 5th respondent, Regional Deputy Director of Secondary Education. The petitioner has filed Ext.P8 before that Authority. Therefore, the first requirement is that if the approval proceedings are still pending, the petitioner will also be heard by the 5th respondent on the basis of Ext.P8. His complaint against the selection will be decided upon by the 5th respondent after hearing the necessary parties. On such decision, the petitioner will be entitled to further statutory remedies under the provisions of the KER.

For the aforesaid reasons, the writ petition is disposed of with a

direction that the 5th respondent will take up Ext.P8 and act upon it with notice to the 4th respondent in terms of what is stated above. It is clarified that all contentions of all parties are left open and the writ petition is disposed of without prejudice to the rights of parties to remedies in accordance with law.

**THOTTATHIL B. RADHAKRISHNAN,
JUDGE.**

SJ