

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 31ST JULY 2009 / 9TH SRAVANA 1931

WP(C).No. 21652 of 2009(B)

PETITIONER:

MARY.C.I. W/O. FRANCIS GEORGE,
MADATHIKANDATHIL HOUSE, P.O. KARIMANNUR,
THODUPUZHA-685581.

BY MR.K.JAYAKUMAR,ADVOCATE
MR.P.B.KRISHNAN, ADVOCATE
MR.R.SURAJ KUMAR, ADVOCATE
SMT.GEETHA P.MENON, ADVOCATE
MR.N.AJITH, ADVOCATE
MR.NEELAKANDAN P.M., ADVOCATE

RESPONDENTS:

1. THE STATE OF KERALA, REP. BY THE
SECRETARY TO GOVERNMENT, EDUCATION DEPARTMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.
2. THE DIRECTOR, HIGHER SECONDARY
EDUCATION, HOUSING BOARD BUILDINGS
SANTHI NAGAR, TRIVANDRUM-695001.
3. THE REGIONAL DEPUTY DIRECTOR, HIGHER
SECONDARY EDUCATION, EDAPPALLY, ERNAKULAM.
4. THE MANAGER CORPORATE EDUCATIONAL
AGENCY DIOCESE OF KOTHAMANGALAM
BISHOP'S HOUSE, KOTHAMANGALAM, KERALA-686691.
5. THE PRINCIPAL, ST. GEORGE'S HSS
KOTHAMANGALAM.

BY SR. GOVERNMENT PLEADER MR.MUHAMOOD T.T.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 31/07/2009, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

T.R. RAMACHANDRAN NAIR, J.

W.P.(C) No.21652 OF 2009

Dated this the 31st day of July, 2009.

J U D G M E N T

The petitioner has approached this Court by filing this writ petition seeking for a direction to the respondents 1 to 3 to approve the appointment of the petitioner at St.Mary's HSS, Arakuzha and her transfer and appointment at St.George's HSS, Kothamangalam and grant all consequential benefits including salary and allowances from 01.08.2005 onwards.

2. The particulars of service relating to the petitioner show that she was appointed as Malayalam teacher in a leave vacancy on 08.10.1998 and continued in service till 11.12.1998. The said appointment was approved as per order dated 02.11.1998. Later she was appointed as HSST (Junior) Malayalam on 03.10.2001 at St.Mary's Higher Secondary School, Kaliyar. The approval of the said appointment is approved by Exhibit P1. Again the petitioner was appointed on 01.08.2005 as HSST (Junior) Malayalam by the 4th respondent in another school namely, St.Mary's Higher

Secondary School. The petitioner was transferred to St.George's HSS, Kothamangalam on 05.06.2006. The said school is also under the very same respondent.

3. The learned counsel for the petitioner submits that originally the 3rd respondent had approved the post of Malayalam HSST (Junior) in the St.Mary's HSS, Arakuzha and it was accordingly the petitioner was appointed to that post. But, the same was cancelled later by the 3rd respondent as per Exhibit P2. In the meanwhile the petitioner had joined in the St.George's HSS, Kothamangalam. Since the appointment of the petitioner in the St.Mary's HSS, Arakuzha was awaiting approval, she had not been paid salary from 01.08.2005 onwards.

4. Presently, Exhibit P5 series are pending before the 3rd respondent and since no orders are passed on them, the petitioner is deprived of her salary also. In this circumstance, the petitioner has prayed that the 3rd respondent may be directed to take a decision on Exhibit P5 series within a time frame.

Therefore, there will be a direction to the 3rd respondent to take a decision on Exhibit P5 series within a period of one month

from the date of receipt of a copy of this judgment. The petitioner will produce a copy of this judgment along with copy of the writ petition before the 3rd respondent for compliance.

This writ petition is disposed of as above.

T.R. RAMACHANDRAN NAIR
JUDGE

smp