

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 30TH NOVEMBER 2010 / 9TH AGRAHAYANA 1932

WP(C).No. 33022 of 2010(C)

PETITIONER(S):

RESHMI.S.JUNIOR, SANSKRIT TEACHER,
BIUP SCHOOL, ELIPPAKULAM, KAYAMKULAM,
ALAPPUZHA DISTRICT.

BY ADV. SRI.R.RAJASEKHARAN PILLAI
SMT.SABINA JAYAN

RESPONDENT(S):

1. THE STATE OF KERALA REPRESENTED BY
THE SECRETARY, GENERAL EDUCATION DEPARTMENT,
GOVERNMENT SECRETARIAT, TRIVANDRUM.
2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
TRIVANDRUM.
3. THE DEPUTY DIRECTOR OF EDUCATION,
ALAPPUZHA.
4. THE ASSISTANT EDUCATIONAL OFFICER,
KAYAMKULAM.
5. THE MANAGER, BIUP SCHOOL,
ELIPPAKULAM, KAYAMKULAM.

BY G.P.SMT.NISHA BOSE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 30/11/2010, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.T.SANKARAN, J.

W.P.(C).No.33022 OF 2010

Dated this the 30th day of November, 2010

JUDGMENT

The petitioner was appointed as Lower Grade Sanskrit Teacher with effect from 6.9.2007 in BIUP School, Elippakulam, Kayamkulam. The appointment of the petitioner was not approved by the Assistant Educational Officer. The Assistant Educational Officer passed Ext.P2 order dated 11.12.2007 rejecting the proposal for approval on the ground of the ban imposed in creation of new additional posts as per G.O.(P).317/2005/G.Edn. dated 17.8.2005. It was also held that there was no post of Part Time Sanskrit Teacher available as per the staff fixation order 2007-2008. On an appeal by the Manager, the Deputy Director of Education rejected the appeal as per Ext.P3 order dated 14.2.2008. The Director of Public Instruction, as per Ext.P4 order dated 13.8.2008 dismissed the further appeal filed by the Manager. Challenging Ext.P4 order, the

Manager filed Ext.P5 revision dated 29.9.2008 before the Government. Ext.P5 is pending disposal. It is pointed out by the petitioner that going by Ext.P6 staff fixation order for 2010-2011, there was no difficulty in sanctioning the post and for approval of the appointment of the petitioner. It is also pointed out that as per G.O.(P) No.10/10/G.Edn. dated 12.1.2010, the appointment of the petitioner can be approved subject to the compliance of the conditions by the Manager.

2. Notice on admission was issued in the Writ Petition. The notice issued to the 5th respondent Manager is returned with an endorsement that the Manager was in Kuwait and that there was no representative to receive the notice. The learned counsel for the petitioner submitted that the Manager had not obtained orders of the educational authorities before going to Kuwait and that the legitimate rights of the petitioner are affected by the absence of the Manager. In the facts and circumstances of the case, notice to the fifth respondent is dispensed with.

3. Since Ext.P5 revision filed by the Manager is pending before the first respondent, I am of the view that it would be sufficient to direct the first respondent to dispose of the revision.

Accordingly, the Writ Petition is disposed of directing the first respondent to consider and dispose of Ext.P5 revision dated 29.9.2008 filed by the Manager, as expeditiously as possible, and at any rate, within a period of two months from the date of receipt of a copy of the judgment. The petitioner shall produce a copy of the Writ Petition and certified copy of the judgment before the first respondent. The petitioner shall also send a copy of the Writ Petition and a copy of the judgment to the fifth respondent Manager by registered post and she shall produce proof of the same before the first respondent.

**K.T.SANKARAN,
JUDGE.**

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