

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

THURSDAY, THE 31ST DAY OF OCTOBER 2019 / 9TH KARTHIKA, 1941

WP(C).No.19849 OF 2019(E)

PETITIONER/S:

BINDU.N  
AGED 43 YEARS  
D/O.P.NARAYANAN, KALATH HOUSE, ATHAVANAD,  
THIRUNAVAYA, TIRUR TALUK, MALAPPURAM DISTRICT.

BY ADV. SRI.C.M.MOHAMMED IQUABAL

RESPONDENT/S:

- 1 STATE OF KERALA  
REPRESENTED BY THE SECRETARY TO GOVERNMENT, EDUCATION  
DEPARTMENT, GOVERNMENT SECRETARIAT,  
THIRUVANANTHAPURAM, PIN-695001.
- 2 THE DISTRICT EDUCATIONAL OFFICER,  
TIRUR, POST TIRUR, MALAPPURAM DISTRICT, PIN-676101.
- 3 THE MANAGER,  
NAVAMUKUNDA HIGHER SECONDARY SCHOOL, THIRUNAVAYA,  
POST THIRUNAVAYA, TIRUR TALUK, MALAPPURAM DISTRICT,  
PIN-676301.

R1 & R2 SRI. JESTIN MATHEW, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
31.10.2019, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

## **JUDGMENT**

This writ petition is filed by the petitioner seeking the following relief:-

*"a) Issue a writ of mandamus or any other appropriate writ, order or direction directing the 2<sup>nd</sup> respondent to approve the appointment of the petitioner as UPSA in Thirnavaya Navamkunda Higher Secondary School, within a time stipulated by this Hon'ble Court."*

2. Petitioner is working as UPSA in Navamukunda Higher Secondary School, Thirunavaya with effect from 01.08.2012, by virtue of Ext.P3 appointment from 01.08.2012 to 02.07.2014, and subsequently shifted to permanent post with effect from 03.06.2013 by virtue of Ext.P5 order. Case projected by the petitioner is that, inspite of the petitioner working in the educational establishment for long period, the appointment is not approved. Eventhough manager has moved Ext.P5 proposal dated 03.06.2013, the same is not considered, apparently for the reason that a stay was granted by this Court in respect of the school in W.P.(C) No.7382/2019 on 12.03.2019. However, I find that

the interim order was modified on 02.09.2019 to the following effect "the interim order granted in this case will only relates to HSA (English) and the interim order was extended by one month".

3. In my considered opinion, by virtue of the modification of the interim order, petitioner and another teacher namely Smt.Jyothi.M, who were working as UPSC's are entitled to be considered and in that view of the matter, this writ petition is disposed of, after hearing learned counsel for the petitioner, learned Government Pleader and the learned counsel appearing for the manager, directing the 2<sup>nd</sup> respondent to take a decision on Ext.P5, at the earliest possible, and at any rate, within two months from the date of receipt of a copy of this judgment.

The writ petition is disposed of, accordingly.

**Sd/-**

**SHAJI P.CHALY  
JUDGE**

**hnh**

## **APPENDIX**

### **PETITIONER'S/S EXHIBITS:**

- |                   |  |
|-------------------|--|
| <b>EXHIBIT P1</b> | <b>THE TRUE COPY OF THE CERTIFICATE OF THE PETITIONER IN BACHELOR OF SCIENCE ISSUED BY THE CALICUT UNIVERSITY DATED 26.4.1997.</b> |
| <b>EXHIBIT P2</b> | <b>THE TRUE COPY OF THE B.ED CERTIFICATE OF THE PETITIONER ISSUED BY THE CALICUT UNIVERSITY DATED 5.7.2011.</b>                    |
| <b>EXHIBIT P3</b> | <b>THE TRUE COPY OF THE APPOINTMENT ORDER DATED 1.8.2012 ISSUED BY THE 3RD RESPONDENT.</b>   |
| <b>EXHIBIT P4</b> | <b>THE TRUE COPY OF THE PROCEEDINGS OF THE 3RD RESPONDENT DATED 1.8.2012.</b>  |
| <b>EXHIBIT P5</b> | <b>THE TRUE COPY OF THE PROCEEDINGS OF THE 3RD RESPONDENT DATED 3.6.2013.</b>  |

**RESPONDENT'S/S EXHIBITS: NIL**