

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C.S.DIAS

FRIDAY, THE 29TH DAY OF MAY 2020 / 8TH JYAISHTA, 1942

WP(C).No.10642 OF 2020(E)PETITIONER/S:

JOBBY JOSEPH, UPSA,
 AIDED UP SCHOOL, CHEERAL P.O. WAYANAD DISTRICT 673
 595.

BY ADV. DR.GEORGE ABRAHAM

RESPONDENT/S:

- 1 STATE OF KERALA REPRESENTED BY SECRETARY TO GOVERNMENT, DEPARTMENT OF GENERAL EDUCATION, SECRETARIAT, THIRUVANANTHAPURAM 695 001.
- 2 DIRECTOR OF GENERAL EDUCATION, JAGATHY, THIRUVANANTHAPURAM 695 014.
- 3 DEPUTY DIRECTOR OF EDUCATION, CIVIL STATION, KALPETTA, WAYANAD 673 122.
- 4 THE DISTRICT EDUCATIONAL OFFICER, KALPETTA, WAYANAD DISTRICT 673 122.
- 5 ASSISTANT EDUCATIONAL OFFICER, KALPETTA, WAYANAD DISTRICT 673 122.
- 6 THE MANAGER, AIDED UP SCHOOL, CHEERAL P.O. WAYANAD DISTRICT 673 595.
- 7 SMT. SWAPNALEKHA P.B., UPSA, AIDED UP SCHOOL, CHEERAL P.O. WAYANAD DISTRICT 673 595.
- 8 SMT. NISHA P.K., UPSA, AIDED UP SCHOOL, CHEERAL P.O. WAYANAD DISTRICT 673 595.
- 9 SMT. SUSHAMA P.R., UPSA, AIDED UP SCHOOL, CHEERAL P.O. WAYANAD DISTRICT 673 595.

OTHER PRESENT:

By Smt.NISHA BOSE, GOVERNMENT PLEADER
 THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29.05.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.S.DIAS, J.
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WP(C) No.10642 of 2020
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Dated this the 29th day of May, 2020.

JUDGMENT

The petitioner was initially appointed as UPSA with effect from 1.6.2016. The petitioner on getting confirmation of appointment, was relieved from the Government LP School on 6.6.2016 and he joined the Aided UP School Cheeral from 9.6.2016.

2. It is the case of the petitioner that his proposal for appointment was by mistake forwarded to the fourth respondent, who rejected the appointment by Ext P2 order. The sixth respondent-Manager, preferred an appeal against Ext P2 order. Even though there was delay in filing the appeal, the same was directed to be considered by Ext P4.

3. The petitioner has averred that there are established vacancies in the school to accommodate the petitioner as well as respondents 7 to 9, and that there is no justification on the part of the respondents 1 to 5 in not approving the appointment of the petitioner. The petitioner has filed Ext P10 statutory revision petition before the first respondent challenging Ext P9 order.

The petitioner prays that Ext P10 revision petition may be directed to be considered and disposed of by the first respondent within a time frame.

4. Heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents 1 to 5. In view of the limited relief that I propose to grant, I dispense with notice to the respondents 6 to 9.

5. After perusing the averments in the writ petition and after hearing the learned counsel for the petitioner and the learned Government Pleader, I am of the considered opinion that the first respondent is to be directed to consider and dispose of Ext P10 revision petition in accordance with law.

6. In the above circumstances, I dispose this writ petition by directing the first respondent to consider and dispose of Ext P10 revision petition, in accordance with law, within a period of three months from the date of receipt of a copy of this judgment. The first respondent shall afford the petitioner and the respondents 7 to 9 or their authorised representative an opportunity of being heard.

Sd/-

C.S.DIAS
JUDGE

sks/29.5.2020

APPENDIX

PETITIONER'S/S EXHIBITS:

EXHIBIT P1 TRUE COPY OF THE APPOINTMENT ORDER ISSUED TO THE PETITIONER BY THE MANAGER DATED 9/6/2016.

EXHIBIT P2 TRUE COPY OF ORDER DATED 26/9/2016 ISSUED BY THE 4TH RESPONDENT.

EXHIBIT P3 TRUE COPY OF THE ORDER PASSED BY THE DISTRICT EDUCATIONAL OFFICER DATED 31/3/2017.

EXHIBIT P4 TRUE COPY OF THE ORDER DATED 22/6/2018 ISSUED BY THE DIRECTOR OF PUBLIC INSTRUCTIONS.

EXHIBIT P5 TRUE COPY OF THE COMMUNICATION DATED 27/7/2018 ISSUED BY THE 4TH RESPONDENT, ASSISTANT EDUCATIONAL OFFICER, SULTHAN BATHERI.

EXHIBIT P6 TRUE COPY OF THE COVERING LETTER FORWARDING THE PROPOSAL WAS SENT BY THE MANAGER TO THE 4TH RESPONDENT, DATED 6/9/2018.

EXHIBIT P7 TRUE COPY OF THE PROCEEDINGS OF THE MANAGER DATED 25/1/2018.

EXHIBIT P8 TRUE COPY OF THE JUDGMENT IN WPC NO. 11061/2019 DATED 8/4/2019.

EXHIBIT P9 TRUE COPY OF THE ORDER OF THE 2ND RESPONDENT DATED 26/7/2019.

EXHIBIT P10 TRUE COPY OF THE REVISION SUBMITTED BY THE PETITIONER DATED 16/9/2019.