

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V
TUESDAY, THE 30TH DAY OF NOVEMBER 2021 / 9TH AGRAHAYANA, 1943

WP(C) NO. 27006 OF 2021

PETITIONER/S:

ANJU M.,
AGED 39 YEARS,
W/O.RENJISH T.G., H.S.T. (MATHS),
M.S.H.S.S. FOR BOYS, MYANAGAPPALLY P.O.,
KOLLAM - 690 519 RESIDING AT THOOLIKA,
PADINJATTINKARA, THEVALAKKARA P.O., KOLLAM - 690 524.

BY ADV B.MOHAN LAL

RESPONDENT/S:

- 1 STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
- 2 THE DIRECTOR OF GENERAL EDUCATION,
JAGATHY P.O., THIRUVANANTHAPURAM - 695 014.
- 3 THE DEPUTY DIRECTOR OF EDUCATION,
THEVALLY P.O., KOLLAM - 691 009.
- 4 THE REGIONAL DEPUTY DIRECTOR,
HIGHER SECONDARY EDUCATION,
CORPORATION BUILDINGS, 4TH FLOOR,
VIKAS BHAVAN P.O., THIRUVANANTHAPURAM - 695 033.
- 5 THE DISTRICT EDUCATIONAL OFFICER,
COLLECTORATE, CUTCHERY P.O., KOLLAM - 691 013.

6 THE MANAGER,
M.S.H.S.S. FOR BOYS, MYNAGAPPALLY P.O.,
KOLLAM - 690 519 (THE DISTRICT EDUCATIONAL OFFICER,
COLLECTORATE, CUTCHERY P.O., KOLLAM - 691 013
HOLDING ADDITIONAL CHARGE OF MANAGER,
M.S.H.S.S. FOR BOYS, MYNAGAPPALLY).

SMT NISHA BOSE, SR GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
30.11.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner states that she is presently working as HST (Mathematics) in the Milade Sheriff Higher Secondary School (M.S.H.S.S), Karunagapally, an aided School under the management of the 6th respondent. The petitioner contends that the approval of service is granted to the petitioner on the strength of Exhibits-P4, P6 and P8 orders. The petitioner asserts that there are management disputes between two factions and pursuant to the orders issued by this Court, the 2nd respondent as per Exhibit-P11 order, appointed the DEO as the Ex-Officio Manager of the MSHSS, Karunagapally. As the petitioner is the only candidate, who aspires to get promotion to the post of HSST (Mathematics) under the transfer category, she submitted Ext.P13 representation before the 5th respondent on 14.10.2021. Complaining of inaction on the part of the respondents, the petitioner is before this Court seeking directions.

2. When the matter came up for consideration, Sri. B. Mohan Lal, the learned counsel appearing for the petitioner, submitted that, for the time being, the petitioner would be satisfied if directions are issued to the 5th respondent to consider and pass appropriate orders on Exhibit-P13 representation within a time frame with due notice.

3. I have heard Smt.Nisha Bose, the learned Senior Government Pleader.

4. In view of the nature of the order that I propose to pass, notice to the 6th respondent is dispensed with.

5. After having carefully evaluated the contentions raised in this writ petition, the submissions made across the Bar and the facts and circumstances, I am of the view that this writ petition can be disposed of at the admission stage itself by issuing the following directions:

- a) There will be a direction to the 5th respondent to take up, consider and pass appropriate orders on Exhibit-P13 representation preferred by the petitioner, as per procedure and in accordance with the law, after affording an opportunity of being heard, either physically or virtually, to the petitioner herein or her authorised representative as well as the 6th respondent.
- b) Orders, as directed above, shall be passed expeditiously, in any event, within a period of two months from the date of production of a copy of this judgment.
- c) It would be open to the petitioner to produce a copy of the writ petition along with the judgment before the concerned respondent for further action.

This writ petition is disposed of.

SD/-

RAJA VIJAYARAGHAVAN V

JUDGE

DSV

APPENDIX OF WP(C) 27006/2021

PETITIONER (S) EXHIBITS:

Exhibit P1

THE TRUE COPY OF THE B.SC. (MATHEMATICS) DEGREE CERTIFICATE DATED 18/06/2003 ISSUED BY THE UNIVERSITY OF KERALA TO THE PETITIONER.

Exhibit P2

THE TRUE COPY OF THE B.ED. (MATHEMATICS) DEGREE CERTIFICATE DATED 24/11/2004 ISSUED BY THE UNIVERSITY OF KERALA TO THE PETITIONER.

Exhibit P3

THE TRUE COPY OF THE STATE ELIGIBILITY TEST-JUNE 2013 (SUBJECT - MATHEMATICS) HAVING ROLL NO.62210234 AND CERTIFICATE NO.00063 DATED 31/10/2013 ISSUED BY THE GOVERNMENT TO THE PETITIONER.

Exhibit P4

THE TRUE COPY OF THE APPOINTMENT ORDER DATED 01/06/2015 ISSUED BY THE 6TH RESPONDENT AIDED MANAGEMENT SCHOOL TO THE PETITIONER.

Exhibit P5

THE TRUE COPY OF THE APPROVAL ORDER NO.B6/5348/17/K.DIS. DATED 23/10/2017 ISSUED BY THE 5TH RESPONDENT TO THE PETITIONER.

Exhibit P6

THE TRUE COPY OF APPOINTMENT ORDER DATED 1/1/2019 ISSUED BY THE 6TH RESPONDENT TO THE PETITIONER.

Exhibit P7

THE TRUE COPY OF THE SENIORITY LIST OF THE 6TH RESPONDENT AIDED MANAGEMENT SCHOOL PUBLISHED BY THE 6TH RESPONDENT MANAGER DATED 01/01/2019.

Exhibit P8

THE TRUE COPY OF THE ORDER NO.B2/232/19/K.DIS. DATED 15/09/2021 ISSUED BY THE 6TH RESPONDENT TO THE PETITIONER.

Exhibit P9

THE TRUE COPY OF THE ORDER NO.GEDN-SC1/86/2019-G.EDN. DATED 09/04/2019 ISSUED BY THE GOVERNMENT TO THE 4TH RESPONDENT.

Exhibit P10

THE TRUE COPY OF THE ORDER NO.GEDN-SC1/86/2019-G.EDN. DATED 27/07/2019 ISSUED

BY THE GOVERNMENT TO THE 2ND RESPONDENT.

Exhibit P11

THE TRUE COPY OF THE ORDER
NO.ETI/8146/2020/D.P.I. DATED 01/02/2021
ISSUED BY THE 2ND RESPONDENT.

Exhibit P12

THE TRUE COPY OF THE APPLICATION SUBMITTED
BY THE HUSBAND OF THE PETITIONER BEFORE THE
4TH RESPONDENT DATED 04/10/2021 UNDER RIGHT
TO INFORMATION ACT AND ITS REPLY NO.T.R.O.
10/5999/2021/HSE DATED 8/11/2021.

Exhibit P13

THE TRUE COPY OF REPRESENTATION DATED
14/10/2021 SUBMITTED BY THE PETITIONER
BEFORE THE 5TH RESPONDENT AND ITS POSTAL
RECEIPT.

RESPONDENT (S) EXHIBITS: NIL