

Pramod Vs. Director of Instructions

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SooperKanoon Citation : sooperkanoon.com/1011463

Court : Kerala

Decided On : Jan-01-2013

Judge : Honourable Mr.Justice P.Bhavadasan

Appellant : Pramod

Respondent : Director of Instructions

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN TUESDAY, THE 1ST DAY OF JANUARY 2013 11TH POUSHA 193 WP(C).No. 28898 of 2012 (J) ----- PETITIONER(S): ----- PRAMOD B., S/O. K. BALAKRISHNAN, U.P.S.A PART TIME SANSKRIT TEACHER A.U.P.S (APPUPILAYOOR UPS), PALAKKAD. BY ADV. SRI.P.R.VENKETESH RESPONDENT(S): ----- 1. DIRECTOR OF PUBLIC INSTRUCTIONS THIRUVANANTHAPURAM

001.

2. THE DEPUTY DIRECTOR OF EDUCATION PALAKKAD

001.

3. THE ASSISTANT EDUCATIONAL OFFICER, CHITTUR, PALAKKAD

101.

4. THE MANAGER A.U.P.S., APPUPILAYOOR, PALAKKAD

101. BY GOVERNMENT PLEADER SRI.M.A.FAYAZ THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01-01-2013, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: W.P.(C) No.28898/2012 APPENDIX PETITIONER'S EXHIBITS EXHIBIT-P1- TRUE COPY OF THE APPOINTMENT ORDER DATED 04 06/2007 ISSUED BY THE 4TH RESPONDENT TO THE PETITIONER. EXHIBIT-P2- TRUE COPY OF THE STAFF FIXATION ORDER FOR THE YEAR 2007 2008 DATED 28 09/2007 ISSUED BY THE 3RD RESPONDENT. EXHIBIT-P3- TRUE COPY OF THE STAFF FIXATION ORDER FOR THE YEAR 2008 2009 DATED 10 11/2008 ISSUED BY THE 3RD RESPONDENT. EXHIBIT-P4- TRUE COPY OF THE STAFF FIXATION ORDER FOR THE YEAR 2009 2010 DATED 11 07/2009 ISSUED BY THE 3RD RESPONDENT. EXHIBIT-P5- TRUE COPY OF THE STAFF FIXATION ORDER FOR THE YEAR 2010 2011 DATED 23 11/2010 ISSUED BY THE 3RD RESPONDENT. EXHIBIT-P6- TRUE COPY OF THE APPEAL SUBMITTED BY THE 4TH RESPONDENT BEFORE THE 2ND RESPONDENT DATED 16 01/2012. EXHIBIT-P7- TRUE COPY OF THE ORDER DATED 01 08/2012 OF THE 2ND RESPONDENT REJECTING EXHIBIT-P6 APPEAL. EXHIBIT-P8- TRUE COPY OF THE ORDER G.O(RT)NO.5234/2011/G.EDN. DATED 24 11/2011 OF THE GOVERNMENT. EXHIBIT-P9- TRUE COPY OF THE JUDGMENT IN RELATION TO THIS ORDER OF GROUP C DIVERSION DATED 25 02/2011 IN W.P(C) 12044/2009 OF THIS HON'BLE COURT.. EXHIBIT-P10- TRUE COPY OF THE G.O DATED 13 04/1978. EXHIBIT-P11- TRUE COPY OF THE G.O DATED 17 09/1985. EXHIBIT-P12- TRUE COPY OF THE LETTER DATED 27 12/1991 OF THE GOVERNMENT. RESPONDENTS' EXHIBITS NIL /TRUE COPY/ VPS PA TO JUDGE P.N.RAVINDRAN, J.

----- W.P.(C) No.28898 OF 201.----- Dated this the
1st day of January, 2013

JUDGMENT

Ext.P7 order passed by the Deputy Director of Education, Palakkad rejecting Ext.P6 representation dated 16.1.2012 filed by the fourth respondent Manager is under challenge in this writ petition.

2. In Ext.P6 representation dated 16.1.2012 the fourth respondent Manager requested the Deputy Director of Education, Palakkad to revise the staff fixation orders for the years 2007-2008, 2008-2009, 2009-2010 and 2010-2011 in the light of G.O.(P) No.10/10/Fin. dated 12.1.2010 and to approve the appointment of the petitioner as a full time Sanskrit teacher with effect from 15.7.2007. By the impugned order, the said request was declined and the petitioner was informed that if he is aggrieved he should file an appeal before the Director of Public Instructions under rule 12-E of Chapter XXIII of the Kerala Education Rules.

3. The petitioner is a teacher in the fourth respondent's school for whose benefit the fourth respondent had filed Ext.P6 representation before the Deputy Director of Education. In such circumstances, I am of the opinion that the petitioner should move the Director of Public Instructions by filing a revision petition under WPC No.28898/2012 2 rule 12-E of Chapter XXIII of the Kerala Education Rules. I accordingly dispose of the writ petition with a direction that in the event of the petitioner filing a revision petition under rule 12-E of Chapter XXIII of the Kerala Education Rules before the Director of Public Instructions within two weeks from the date of receipt of a certified copy of this judgment, the Director of Public Instructions shall entertain it as one filed within time, issue notice to the petitioner, the Manager of the school and the Educational Officers concerned and take an appropriate decision in the matter in accordance with law expeditiously and in any event within an outer limit of four months from the date of receipt of the revision petition. The Director of Public Instructions shall afford the petitioner, the Manager of the school and the Educational Officers concerned an opportunity of being heard. The contentions of the petitioner on the merits are kept open.
P.N.RAVINDRAN, (JUDGE) vps WPC No.28898/2012 3 WPC No.28898/2012 4