

Rayes Vs. State of Kerala

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Court : Kerala

Decided On : Jul-24-2013

Judge : Honourable Mr.Justice C.T.Ravikumar

Appellant : Rayes

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE C.T.RAVIKUMAR WEDNESDAY, THE 24TH DAY OF JULY 2013 2ND SRAVANA, 193 WP(C).No. 17002 of 2013 (A)

----- PETITIONER(S): ----- RAYES V.S VADASSERY HOUSE, ERANELLUR P.O., MAZHUVANCHERY, THRISSUR. BY ADVS.SRI.K.M.FIROZ SMT.M.SHAJNA SRI.S.KANNAN RESPONDENT(S): ----- 1. THE STATE OF KERALA REPRESENTED BY SECRETARY TO GOVERNMENT GENERAL EDUCATION DEPARTMENT, SECRETARIAT THIRUVANANTHAPURAM 69 001.

2. THE DIRECTOR OF PUBLIC INSTUCTIONS, THIRUVANANTHAPURAM - PIN 69.014.

3. THE DISTRICT EDUCATIONAL OFFICER, CHAVAKKAD, THRISSUR DISTRICT

506. THRISSUR

001.

4. THE CORPORATE MANAGER, C.M.S.CORPORATE MANAGEMENT
(COCHIN AREA) ROUND WEST, THRISSUR

001.

5. THE HEAD MASTER, SNEHALAYAM, CSI HS FOR DEAF (CHURCH OF
SOUTH INDIA HIGH SCHOOL FOR DEAF) KUNNAMKULAM, THRISSUR
DISTRICT

503. R1 TO R3 SRI.VIJULAL, (SR), GOVERNMENT PLEADER R4 BY ADV.
SRI.GEORGE CHERIAN (THIRUVALLA) R5 BY ADV. SRI.P.V.KUNHIKRISHNAN
THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24-07-2013.
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C).No.
17002 of 2013 (A) ----- APPENDIX PETITIONER(S)' EXHIBITS
----- EXHIBIT P1: A TRUE COPY OF THE
ADVERTISEMENT APPEARED IN MALAYALA MANORAMA DAILY DATED 30
09/2012 INVITING APPLICATIONS FOR THE POST OF WATCHMAN AT
SCHOOL OF THE FOURTH RESPONDENT. EXBHIBIT P2: A TRUE COPY OF
THE CERTIFICATE DATED 1 10/2012 ISSUED FROM CSI ST.PAUL'S CHURCH,
KUNNAMKULAM IN FAVOUR OF THE PETITIONER EXHIBIT P3: TRUE COPY
OF ORDER NO.MC-10/13/CA DATED 1 7/2013, ISSUED BY THE 4TH
RESPONDENT. EXHIBIT P4: A TRUE COPY OF THE COMMUNCATION
NO.MC-10/13/CA DATED 1 7/2013, ISSUED BY THE 4TH RESPONDENT TO
THE 3RD RESPONDENT. EXHIBIT P5: TRUE COPY OF THE
REPRESENTATION DATED 2 7/2013 SUBMITTED BY THE PETITIONER
BEFORE THE 3RD RESPONDENT. RESPONDENT(S)' EXHIBITS NIL R.AV
TRUE COPY PATO JUDGE C.T.RAVIKUMAR.J.

===== W.P.C.NO.17002 of 2013 =====
Dated this the 24th day of July 2013. JUDGMENT ----- The petitioner was
appointed as a watchman under the fourth respondent school as per Ext.P3. This
writ petition has been filed on being aggrieved by the refusal on the part of the fifth
respondent to permit the petitioner to join duty as watchman in Snehalayam, CSI,

HS for Deaf, Kunnamkulam on the strength of Ext.P3. I have heard the learned counsel appearing for the petitioner, the learned counsel appearing for the fourth respondent and also the learned Government Pleader. The learned counsel appearing for the fourth respondent, the Manager endorsed the contention of the petitioner that the petitioner was duly appointed as watchman as per Ext.P3 and that the order of appointment was already forwarded for the approval of the third respondent, in accordance with under the provisions of Kerala Education Act. The learned counsel appearing for the fifth respondent submitted that in view of Ext.P3 order issued by the competent authority, the fourth respondent, appointing the petitioner as watchman the petitioner could be permitted to join duty in terms of Ext.P3. It is submitted that the W.P.C.NO.17002 o

2. reluctance on his part to permit the petitioner to join duty solely on account of the receipt of the letter dated 08.07.2013, from the Bishop of Church of South India, North Kerala Diocese. The learned counsel appearing for the fourth respondent made available a copy of a judgment of this Court in OP(C)No.2372/2013 dated 17.07.2013. It is evident from the same that this held that the fourth respondent is entitled to continue as the Corporate Manager till 31.07.2013. Therefore, there is nothing on record to show that the fourth respondent was not the Corporate Manager and he was not competent to issue Ext.P3. In the said circumstances, this writ petition is disposed of directing the fifth respondent to permit the petitioner to join duty as watchman on the strength of Ext.P3, forthwith subject, of course, of order to be passed by the third respondent on the question of approval of appointment as per Ext.P3. C.T.RAVIKUMAR, JUDGE R.AV

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