

Deepika Vs. Sajitha Manilal

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Court : Kerala

Decided On : Nov-29-2013

Judge : Honourable Mr. Justice a.V.Ramakrishna Pillai

Appellant : Deepika

Respondent : Sajitha Manilal

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI FRIDAY, THE 29TH DAY OF NOVEMBER 2013 8TH AGRAHAYANA, 1935 WP(C).No. 23913 of 2008 (V) ----- PETITIONER(S)/ ----- DEEPIKA N., AGED 34 YEARS, DEEPIKA SADANAM, MAHADEVIKAD P.O., KARTHIKAPPALLY ALAPPUZHA DISTRICT. BY ADVS.SRI.M.NARENDRA KUMAR SRI.S.MOHANAN SRI.R.REJI SRI.B.BIPIN RESPONDENT(S)/ ----- 1. SAJITHA MANILAL, AGED 38 YEARS, MAVANNAL PUTHUVEL, MAHADEVIKAD, KARTHIKAPALLY ALAPPUZHA DISTRICT., MANAGER, SNDPHS MAHADEVIKAD, KARTHIKAPPALLY.

2. THE DISTRICT EDUCATIONAL OFFICER, ALAPPUZHA. R2 BY GOVERNMENT PLEADER SMT.SEREENA GEORGE THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29-11-2013, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: tss WP(C).No. 23913 of 2008 APPENDIX PETITIONERS EXHIBITS P1:- COPY OF THE DEATH CERTIFICATE

DTD. 2.8.2007 PERTAINING TO PETITIONER'S BROTHER. P2:- COPY OF THE EXTRACT OF RELEVANT PAGE OF PETITIONER'S S.S.L.C. BOOK SHOWING DATE OF BIRTH. P3:- COPY OF THE RATION CARD EVIDENCING THE FACT THAT THE PETITIONER IS LIVING WITH HER MOTHER AND DECEASED BROTHER. P4:- COPY OF THE EXTRACT OF ELECTORAL ROLL OF HARIPAD ASSEMBLY CONSTITUENCY. P5:- COPY OF THE APPLICATION SUBMITTED BEFORE THE SECOND RESPONDENT BY THE PETITIONER DTD. 24.4.2007. P6:- COPY OF THE LETTER DTD195.2008 ISSUED BY THE 2D RESPONDENT TO THE PETITIONER. P7:- COPY OF TAX RECEIPT ISSUED BY THE VILLAGE OFFICE DTD132.2008. P8:- COPY OF THE RESIDENTIAL HUT IN WHICH THE PETITIONER'S AND HER FAMILY IS NOW RESIDING. P9:- COPY OF THE JUDGEMENT IN WPC. 3499/2008 DTD. 31.1.2008. RESPONDENTS EXHIBITS NIL TRUE COPY P.A. TO JUDGE tss A.V. RAMAKRISHNA PILLAI, J.

----- W.P.(C) No. 23913 of 2008
----- Dated this the 29th day of November, 2013

JUDGMENT

The petitioner approached this Court alleging that the 2nd respondent did not recommend the petitioner to be appointed in dying in harness scheme in the vacancy, which arose in the S.N.D.P. High School, Mahadevikad, Karthikappalli, on account of the death of Deepak, who is the brother of the petitioner.

2. The deceased Deepak was working as FTCLM in the S.N.D.P. High School, Mahadevikad, Karthikappalli. He was a bachelor. He died on 01.04.2007 while in service. The petitioner and her mother, who is aged 54 years, were survived by the deceased Deepak. The petitioner alleges that she has been approaching the 1st respondent, who is the Manager of S.N.D.P. High School, for appointment under dying in harness scheme and the 1st respondent had been promising the petitioner that she W.P.(C) No. 23913 of 2008 ..2.. would be appointed in the next arising vacancy. The petitioner alleges that instead of appointing her, the 1st respondent appointed one Ajimole on 11.01.2008. Her further allegation is that another vacancy also arose by the resignation of one Binu and the 1st respondent was refusing her that vacancy also. The petitioner approached this Court with

WP(C) No.3499/2008. On the basis of the direction issued by this Court, the petitioner was heard by the 2nd respondent, but, her name was not recommended to be appointed in dying in harness scheme. Thus, she has come up before this Court.

3. The fact that Deepak died in harness while working in the school is not in dispute. It is also an admitted fact that the petitioner is the sister of the deceased Deepak. However, the learned Senior Government Pleader invited my attention to GO(P) No.24/99/P & ARD dated 18.11.1999, wherein it is stated that in case of unmarried government employee dying in harness, the dependents eligible for employment W.P.(C) No. 23913 of 2008 ..3.. assistance are the father/mother, unmarried sister/ unmarried brother. The petitioner has no case that she is an unmarried sister of the deceased. Hence, in the light of the aforesaid G.O., the rejection by the 2nd respondent is valid. Therefore, the writ petition is dismissed. Sd/- A.V. RAMAKRISHNA PILLAI, JUDGE bka/-

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