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Minimol Peter Vs. State of Kerala

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Court : Kerala

Decided On : Feb-13-2014

Judge : Honourable Mr.Justice C.K.Abdul Rehim

Appellant : Minimol Peter

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM THURSDAY, THE13H DAY OF FEBRUARY201424TH MAGHA, 1935 WP(C).No. 703 of 2014 (K) ---------- PETITIONER(S): ---------- MINIMOL PETER, KUMBAMKUZHACKAL, VELIYANNOOR P.O., KOTTAYAM DISTRICT, PIN-686 634. BY ADVS.SRI.S.P.ARAVINDAKSHAN PILLAY, SMT.N.SANTHA, SRI.K.A.BALAN, SRI.PETER JOSE CHRISTO, SRI.S.A.ANAND. RESPONDENT(S): ---------- 1. STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, HIGHER EDUCATION DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM-695 001.

2. DIRECTOR OF COLLEGIATE EDUCATION, DIRECTORATE OF COLLEGIATE EDUCATION, VIKAS BHAVAN THIRUVANANTHAPURAM-695 033.

3. DEPUTY DIRECTOR OF COLLEGIATE EDUCATION, KOTTAYAM-686 002.

4. MANAGER, CORPORATE EDUCATIONAL AGENCY OF COLLEGES, ARCHEPARCHY OF KOTTAYAM, KOTTAYAM, PIN-686 001. R1 TO R3 BY GOVT. PLEADER SMT.LOWSY. A. R4 BY ADVS. SRI.BABY ISSAC ILLICKAL, SRI.ISAAC KURUVILLA ILLIKAL. THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON1302-2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: rs. WP(C).No. 703 of 2014 (K) APPENDIX PETITIONER'S EXHIBITS:- EXT.P1 - TRUE COPY OF THE APPLICATION DATED0605-2003 SUBMITTED BY THE PETITIONER TO THE4H RESPONDENT. EXT.P2 - TRUE COPY OF THE APPLICATION DATED0604-2006 SUBMITTED BY THE PETITIONER TO THE PRINCIPAL, ST.STEPHEN'S COLLEGE, UZHAVOOR. EXT.P3 - TRUE COPY OF THE LETTER DATED1005-2006 OF THE PRINCIPAL, ST.STEPHENS COLEGE, UZHAVOOR. EXT.P4 - TRUE COPY OF THE NOTIFICATION DATED2011-2013 OF THE4H RESPONDENT EXT.P5 - TRUE COPY OF THE APPLICATION DATED0212-2013 SUBMITTED BY THE PETITIONER TO EXT.P4 EXT.P6 - TRUE COPY OF THE GO (MS)NO.636/2013/H.EDN DATED0710-2013 EXT.P7 - TRUE COPY OF THE REPRESENTATION DATED1812-2013 SUBMITTED BY THE PETITIONER BEFORE THE1T RESPONDENT. EXT.P8 - TRUE COPY OF THE REPRESENTATION DATED1812-2013 SUBMITTED BY THE PETITIONER BEFORE THE2D RESPONDENT. EXT.P9 - TRUE COPY OF THE REPRESENTATION DATED1812-2013 SUBMITTED BY THE PETITIONER BEFORE THE3D RESPONDENT. EXT.P10 - TRUE COPY OF THE REPRESENTATION DATED1812-2013 SUBMITTED BY THE PETITIONER BEFORE THE4H RESPONDENT. RESPONDENT'S EXHIBITS:- NIL. //TRUE COPY// P.A. TO JUDGE rs. C.K. ABDUL REHIM, J.

---------- W.P.(c) No. 703 OF2014K ---------- DATED THIS THE13h DAY OF FEBRUARY, 2014.

JUDGMENT

Petitioner is the widow of late. Sri. T.L. John, who died-in- harness, while working as a last grade employee in a college under the 4th respondent management.

Grievance is that, despite several requests made by the petitioner seeking appointment under the compassionate employment scheme, her claim was not considered. By virtue of Ext.P4 notification the 4th respondent had invited applications for filling up of 7 posts of last grade employees (Peons). Eventhough the petitioner made requests for appointment in one of the vacancies notified, the same was not considered.

2. Petitioner points out, that by virtue of Ext.P6 Government order the compassionate employment scheme is made applicable with respect teaching and non-teaching staff of private aided colleges, doe dependents of employees dying-in- harness. Therefore the petitioner is entitled for appointment in one of the existing vacancies, is the claim. Exhibits P7 to P9 representations were submitted before respondents 1 to 3 and W.P.(c) No.703/2014 -2- Ext.P10 representation was submitted before the 4th respondent. Without considering all such requests the 4th respondent is now proceeding to fill up the vacancies notified under Ext.P4, is the contention. Therefore the petitioner seeks for a declaration that she is entitled for appointment in one of the vacancies which is notified under Ext.P4 and also seeking consequential direction for effecting such appointment.

3. Heard; counsel for the petitioner, counsel appearing for the 4th respondent and Government Pleader appearing for respondents 1 to 3. Learned counsel for the 4th respondent submitted that the management is ready to consider the claim raised by the petitioner for appointment under the compassionate scheme and to accommodate her in one of the vacancies available, provided the petitioner has got requisite qualification and eligibilities. Under such circumstances, this court is of the opinion that a direction to the 4th respondent to consider the claim and to take appropriate decision, before filling up of the posts now notified under Ext.P4, will suffice to meet the ends of justice.

4. Therefore the writ petition is disposed of directing the 4th respondent to consider Ext.P10 and to take an appropriate W.P.(c) No.703/2014 -3- decision with respect to the claim of the petitioner for employment under the compassionate scheme, after affording an opportunity to the petitioner for production of requisite proof regarding her qualification and eligibility and also after affording an

opportunity of personal hearing. A decision in this regard shall be taken at the earliest possible, at any rate within a period of one month from the date of receipt of a copy of this judgment.

5. The 4th respondent is restrained from filling up one post of last grade employees (Peon) notified under Ext.P4, before taking any decision based on the direction given above. Sd/- C.K. ABDUL REHIM, JUDGE. AMG True copy P.A to Judge

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