

Naseera E.M vs State of Kerala

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Court : Kerala

Decided On : Apr-01-2024

Judge : Honourable Mr.Justice Ziyad Rahman a.a.

Appeal No. : WP(C)/12623/2024

Appellant : Naseera E.M

Respondent : State of Kerala

Judgement :

W.P.C.No.12623/24 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.
MONDAY, THE 1ST DAY OF APRIL 2024 / 12TH CHAITHRA, 1946
WP(C) NO. 12623 OF 2024 PETITIONER: NASEERA E.M., AGED 40
YEARS, KOZHIKODE (RESIDING AT NADUPPARAMBIL HOUSE,
KALLODE, PERAMBRA KOZHIKODE, PIN - 673 525. BY ADVS.
V.A.MUHAMMED M.SAJJAD RESPONDENTS: 1 STATE OF KERALA,
REPRESENTED BY ITS PRINCIPAL SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT, SECRETARIAT ANNEXE II,
THIRUVANANTHAPURAM, PIN - 695 001.

2 THE DIRECTOR OF GENERAL EDUCATION, JAGATHY, THIRUVANANTHAPURAM, PIN - 695 014. 3 THE DEPUTY DIRECTOR OF EDUCATION, KOZHIKODE DISTRICT, PIN - 673 001. 4 THE DISTRICT EDUCATIONAL OFFICER, KOYILANDI, KOZHIKODE, PIN - 673 305. 5 THE MANAGER, MODAKALLOOR AUP SCHOOL, KOZHIKODE, PIN - 673 315. THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01.04.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: W.P.C.No.12623/24 2

JUDGMENT

The petitioner who is now working as UPSA in the school managed by the 5th respondent, has approached this Court seeking the following reliefs:

(i) Call for the records relating to Exhibit P-2, P-4 and P-5 and set aside the originals of the same by the issue of a writ of certiorari or other appropriate writ or order.

(ii) Declare that appointment of the petitioner covered in Exhibit P-1 is liable to be approved.

(iii) Issue a writ of mandamus or other appropriate writ order or direction commanding the 4 th respondent to grant approval to Exhibit P-1 appointment order.

(iv) Issue a writ of mandamus or other appropriate

writ order or direction commanding the 1 st respondent to take a decision on Exhibit P-6 and pass orders thereon in a time bound manner with notice to the petitioner.

(v) To dispense with filing of English Translation of vernacular documents produced along with the Writ petition.

(vi) Pass such other order or direction which this Honble Court may deem fit and proper to grant in the circumstances of the case.

2. Grievance of the petitioner is that, the appointment of

the petitioner has not been approved and the same was rejected by the District Educational Officer (DEO). The petitioner has W.P.C.No.12623/24 3 already highlighted her grievance before the 1 st respondent by filing Ext.P6 revision petition, which is now pending consideration. Limited prayer sought by the petitioner is for expeditious disposal of Ext.P6.

3. After hearing the learned counsel for the petitioner

and the learned Government Pleader, I am of the view that the writ petition can be disposed of with the following direction: It is ordered that the 1st respondent shall take up Ext.P6 and pass appropriate orders thereon in accordance with law, after hearing the petitioner and the 5 th respondent, within a period of four months from the date of receipt of a copy of this

judgment.

Sd/- ZIYAD RAHMAN A.A. JUDGE DG/1.4.24 W.P.C.No.12623/24 4 APPENDIX OF WP(C) 12623/2024 PETITIONER EXHIBITS Exhibit P1 TRUE COPY OF THE APPOINTMENT ORDER DATED 16.07.2021 OF THE PETITIONER Exhibit P 2 TRUE COPY OF THE ORDER NO. C/14575/2021 DATED 08.09.2021 OF THE 4TH RESPONDENT AEO, KOYILANDI Exhibit P3 TRUE COPY OF THE APPEAL MEMORANDUM BEFORE THE DISTRICT EDUCATIONAL OFFICER DATED 15.09.2021 Exhibit P4 TRUE COPY OF THE LETTER NO. AEOKYD/59/2024-C DATED 11.01.2024 Exhibit P5 TRUE COPY OF THE LETTER NO. AEOKYD/1841/2023-C DATED 12.03.2024 Exhibit P6 TRUE COPY OF THE REVISION PETITION DATED 15.03.2024 PREFERRED BY THE PETITIONER BEFORE THE GOVERNMENT Exhibit P7 TRUE COPY OF THE G.O.(MS) NO.29/2023/G.EDN DATED 24.03.2023 OF THE GOVERNMENT Exhibit P8 TRUE COPY OF THE CIRCULAR NO. GEDN- JR1/1502/2023/G.EDN DATED 01.11.2023 OF THE GOVERNMENT Exhibit P9 TRUE COPY OF THE CIRCULAR NO. DGE/15133/2023(2)-H2 DATED 03.02.2024