SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com

The Manager vs State of Kerala

The Manager vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1335633

Court : Kerala

Decided On : Jun-01-2023

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : WP(C)/3323/2023

Appellant : The Manager

Respondent : State of Kerala

Judgement :

WP(C) NO. 3323 OF 2023 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN THURSDAY, THE 1ST DAY OF JUNE 2023 / 11TH JYAISHTA, 1945 WP(C) NO. 3323 OF 2023 PETITIONER/S: 1 THE MANAGER AGED 52 YEARS SEVAMANDIR POST BASIC HIGHER SECONDARY SCHOOL, RAMANATTUKARA, KOZHIKODE - 673632., PIN - 673632 2 RENJU KRISHNAN.T.R, AGED 40 YEARS HIGH SCHOOL TEACHER (HST) MATHEMATICS, SEVAMANDIR POST BASIC HIGHER SECONDARY SCHOOL, RAMANATTUKARA, KOZHIKODE - 673632., PIN - 673632 BY ADVS. M.U.VIJAYALAKSHMI K.JAJU BABU (SR.) BRIJESH

MOHAN RESPONDENT/S: 1 STATE OF KERALA REPRESENTED BY SECRETARY TO GOVERNMENT , GENERAL EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695001., PIN - 695001 2 THE DIRECTOR OF GENERAL EDUCATION DIRECTORATE OF GENERAL EDUCATION, JAGATHY, THIRUVANANTHAPURAM - 695014., PIN - 695014 3 THE DEPUTY DIRECTOR OF EDUCATION, KOZHIKODE OFFICE OF THE DEPUTY DIRECTOR OF EDUCATION, MANANCHIRA, KOZHIKODE - 673001., PIN - 673001

4 THE DISTRICT EDUCATIONAL OFFICER, KOZHIKODE WP(C) NO. 3323 OF 2023 2 OFFICE OF THE DISTRICT EDUCATIONAL OFFICER, PAVAMANI ROAD, KOZHIKODE-673 004., PIN - 673004 OTHER PRESENT: SMT.NISHA BOSE, SR.GP THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01.06.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C) NO. 3323 OF 2023 3 P.V.KUNHIKRISHNAN, J ---------- W.P.(C.) No. 3323 of 2023 ---------- Dated this the 01st day of June, 2023

JUDGMENT

The above writ petition is filed with following prayers : (i) Issue a writ of certiorari or any other appropriate writ,

order or direction calling for the records leading to Ext.P9

and P10 and quash the same.

(ii) Declare that in view of Ext.P8, ,which has attained finality action evidenced by Ext.p9 and P10 are illegal and unsustainable.

(iii) issue such other and further orders which this Hon'ble Court may deem just and proper in the facts and circumstances of the case; and

(iv) award costs to the petitioners.

(v) petitioner may be permitted to dispense with the filing of translation of the vernacular documents; [SIC]

2. The main contention raised in this writ petition is that Ext.P9 is an order passed without giving an opportunity of WP(C) NO. 3323 OF 2023 4

hearing to the petitioners. Ext.P10 is a consequential order

passed after Ext.P9.

3. Heard the learned Government Pleader also.

4. The learned counsel for the petitioners reiterated the

contentions raised in this writ petition. The Government Pleader conceded that Ext.P9 is an order passed without giving an opportunity of hearing to the petitioners. If that is the case, I am of the considered opinion that Exts.P9 and P10 can be set aside and the matter can be remitted back to the 1 st respondent for reconsideration. Therefore, this writ petition is allowed in the following manner : 1) Exts.P9 and P10 are set aside. 2) The 1st respondent is directed to reconsider the matter after giving an opportunity of hearing to the petitioners and other affected parties, if any, as expeditiously as possible, at any rate, within four months from the date of receipt of a certified copy of this judgment. 3) The petitioners will produce a certified copy of this WP(C) NO. 3323 OF 2023 5

judgment along with a copy of this writ petition before the

1st respondent for compliance. Sd/- P.V.KUNHIKRISHNAN JUDGE SKS WP(C) NO. 3323 OF 2023 6 APPENDIX OF WP(C) 3323/2023 PETITIONER EXHIBITS Exhibit P1 TRUE COPY OF THE APPOINTMENT ORDER DATED 1-6-2017 ISSUED BY THE 1ST PETITIONER WITH ENDORSEMENT OF APPROVAL DATED 15-12-2017

BY THE 4TH RESPONDENT. ALONG WITH ORDER

NO. D.DIS /B4/3347/2017 DATED 15.2.2017 ISUUED BY THE 4TH RESPONDNET TO THE PETTIONERS. Exhibit P2 TRUE COPY OF THE ORDER NO. B4/3536/2018 DATED 3.7.2018 ISSUED BY THE 4TH RESPONDENT. Exhibit P3 TRUE COPY OF THE STAFF FIXATION ORDER NO. B4/49380/2019 DATED 20-7-2019 ISSUED BY THE 4TH RESPONDENT. Exhibit P4 TRUE COPY OF THE ORDER NO.B5/60510/ 2019 DATED 26.9.2019 ISSUED BY THE 3RD RESPONDENT Exhibit P5 TRUE COPY OF THE ORDER NO. B5/23230/ 2018(1) DATED 3.3.2020 ISSUED BY THE 3RD RESPONDENT. Exhibit P6 TRUE COPY OF THE ORDER NO. R.A(4)/10677/2020/DPI /DDS DATED 14.7.2021 ISSUED BY THE 2ND RESPONDENT Exhibit P7 TRUE COPY OF THE GOVERNMENT ORDER G.O.(RT) NO. 2446/2022/GEDN DATED 16.4.2022

Exhibit P8 TRUE COPY OF THE GOVERNMENT ORDER

GO(RT)NO.5767/2022/GEDN DATED 6-10-2022 Exhibit P9 TRUE COPY OF THE GOVERNMENT LETTER NO.L3/111/2022/GEDN DATED 25-11-2022 ISSUED BY THE 1ST RESPONDENT. WP(C) NO. 3323 OF 2023 7 Exhibit P10 TRUE COPY OF THE LETTER NO.B4/6743/2018 DATED 23-12-2022 OF THE 4TH RESPONDENT TO THE HEADMASTER, ALONG WITH ENCLOSURE VIDE LETTER NO. L3/III/2022/G.EDN DATED 25.11.2022 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONERS' SCHOOL.

Exhibit P11 TRUE COPY OF THE STAFF FIXATION ORDER

NO.B4/44856/2022 DATED 22-8-2022 ISSUED BY THE 4TH RESPONDENT.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com