

N.Das, vs State of Kerala,

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Court : Kerala

Decided On : Mar-15-2023

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : WP(C)/5391/2022

Appellant : N.DAS,

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
WEDNESDAY, THE 15TH DAY OF MARCH 2023 / 24TH PHALGUNA,
1944 PETITIONER/S: N.DAS, AGED 55 YEARS HEADMASTER, AVM
HIGHER SECONDARY SCHOOL, CHUNANGAD, OTTAPPALAM,
PALAKKAD DISTRICT. BY ADVS. GEORGE ABRAHAM JOBY D
JOSEPH RESPONDENT/S:

1 STATE OF KERALA, REPRESENTED BY SECRETARY TO
GOVERNMENT, GENERAL EDUCATION DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM- 695 001. 2 DIRECTOR OF
GENERAL EDUCATION, JAGATHY, THIRUVANANTHAPURAM-695

014. 3 REGIONAL DEPUTY DIRECTOR OF HIGHER SECONARY EDUCATION, CIVIL STATION, MALAPPURAM-676 505. 4 MANAGER, AVM HIGHER SECONDARY SCHOOL, CHUNANGAD, OTTAPPALAM, PALAKKAD DISTRICT-679 101. 5 SAJU T.VARGHESE, PRINCIPAL IN CHARGE, AVM HIGHER SECONDARY SCHOOL, CHUNANGAD, OTTAPPALAM, PALAKKAD DISTRICT-679 101. BY ADVS. PRIYESH KUMAR M P VINOD MADHAVAN

OTHER PRESENT: SMT.SURYA BINOY, SR.GP THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15.03.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.V.KUNHIKRISHNAN, J.

----- W.P.(C).No.5391 Of 2022
----- Dated this the 15th day of March,
2023

JUDGMENT

The above writ petition is filed with the following prayers:-

(1) to issue a writ of Mandamus, or any other appropriate

writ, order or direction, directing the respondents 1 to 4 to appoint the petitioner as Principal of AVM Higher Secondary School, Chunangad, Ottappalam. ii) to issue a Writ of Mandamus; or any other appropriate writ, order or direction, directing the 3rd respondent to approve the appointment of the Petitioner as Principal of AVM Higher Secondary School, Chunangad, Ottappalam. iii) to issue a Writ of Mandamus; or any other appropriate writ, order or direction, directing the 3rd respondent to consider Exhibit P-6 petition filed by the petitioner. iv) to grant such other and further reliefs as this Hon'ble Court may consider just and proper in the facts and circumstances of the case.(SIC)

2. When this writ petition came up for

consideration, the counsel appearing for the petitioner submitted that, the petitioner will be satisfied if a direction is issued to the 3rd respondent to consider

Ext.P6 within a time frame, in the light of the judgment

of this court in Jayaraj V.P and another Vs. State of Kerala and Others. (2016) (2) KLT 200. Counsel for the 4th respondent submitted that, that decision is not applicable and points raised in this writ petition is covered in his favour in the judgment rendered by this court in WA.No.2341 of 2018 dated 04.12.2018

3. The Govt. Pleader submitted that, the manager sought certain clarifications from the 3rd respondent and the 3rd respondent already gave the clarifications.

4. In the light of the fact that, the limited prayer of

the petitioner is only to consider Ext.P6 by the 3rd respondent, I think this writ petition can be disposed of directing 3rd respondent to consider the representation. All the contentions raised by the petitioner, 4th respondent and 5th respondent are left open. Therefore this writ petition is disposed of with following directions:-

1. 3rd respondent is directed to consider and pass

appropriate orders in Ext.P6 representation, with notice to the petitioner, the 4th respondent and 5th respondent, as expeditiously as possible, at any rate within 3 months from the date of receipt of a certified copy of this judgment.

2. While considering the Ext.P6 representation,

the 3rd respondent will also consider the decisions cited by the petitioner Jayaraj V.P and another Vs. State of Kerala and Others. (2016) (2) KLT 200 (supra) and the decision relied by the 4th respondent in WA.No.2341 of 2018 dated 04.12.2018 (supra)

3. The petitioner will produce a certified copy of

this judgment along with a copy of this writ petition before the 3rd respondent for compliance. Sd/- P.V.KUNHIKRISHNAN SM JUDGE APPENDIX OF WP(C) 5391/2022 PETITIONER EXHIBITS Exhibit P1 TRUE COPY OF THE DEGREE CERTIFICATE ISSUED BY THE UNIVERSITY OF CALICUT DATED 18.04.2017. Exhibit P2 TRUE COPY OF APPOINTMENT ORDER DATED 01.04.2018. Exhibit P3 TRUE COPY OF THE APPROVED SENIORITY LIST OF THE SCHOOL AS ON 01.01.2022. Exhibit P4 TRUE COPY OF THE PROCEEDINGS OF THE REGIONAL DEPUTY DIRECTOR DATED 02.06.2018. Exhibit P5 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER TO THE MANAGER DATED 23.06.2021. Exhibit P6 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER TO THE REGIONAL DEPUTY DIRECTOR DATED 04.02.2022. Exhibit P7 TRUE COPY OF THE JUDGMENT IN WPC NO.19948/2013 DATED 26.02.2016. Exhibit P8 TRUE COPY OF GOVERNMENT ORDER VIZ. GO(RT) NO.2913/2021/G.EDN DATED 02.06.2021. RESPONDENT EXHIBITS NIL //TRUE COPY// PA TO JUDGE

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