

BEEVI Vs State of Kerala,

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Court : Kerala

Decided On : May-31-2023

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : WP(C)/17105/2023

Appellant : BEEVI

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
WEDNESDAY, THE 31ST DAY OF MAY 2023 / 10TH JYAISHTA, 1945
WP(C) NO. 17105 OF 2023 PETITIONER/S: BEEVI AGED 56 YEARS
W/O. ALI, AGED 56 YEARS, KAPPIL HOUSE, VELLIYANCHERI PO,
CHERIPARAMB, EDAPPATTA, MALAPPURAM DISTRICT -, PIN - BY
ADVS. K.MOHANAKANNAN D.S.THUSHARA RESPONDENT/S:

1 STATE OF KERALA, REPRESENTED BY ITS SECRETARY TO
GOVERNMENT, GENERAL EDUCATION DEPARTMENT,
THIRUVANANTHAPURAM -, PIN - 2 DIRECTOR OF GENERAL
EDUCATION, JAGATHY, THIRUVANANTHAPURAM-, PIN - 695014 3

THE DEPUTY DIRECTOR OF EDUCATION AUPS MALAPPURAM, NH 213, DOWN HILL, MALAPPURAM-, PIN - 4 THE DISTRICT EDUCATIONAL OFFICER, MANJERI - WANDOOD ROAD, WANDOOD, MALAPPURAM-, PIN - 5 THE MANAGER VENGOOR A.M. HIGH SCHOOL, VENGOOR, MALAPPURAM DISTRICT-, PIN - 679325 6 P. ABULLAKUTTY, S/O. MUHAMMAD @ KUNHANI HAJI, PULIYAKUTHHOUSE, PATTIKKAD PO,PERINTHALMANNA MALAPPURAM DISTRICT -, 7 AYISHAKUTTY, D/O. PULIYAKKUTHMUHAMMAD @ KUNHANI HAJI, PULIYAKKUTH HOUSE, PATTIKKAD, MALAPPURAM DISTRICT -,

8 FATHIMA, D/O. PULIYAKKUTH MUHAMMAD @ KUNHANI HAJI, PULIYAKKUTH HOUSE, PATTIKKAD, MALAPPURAM DISTRICT-, 9 ALI S/O. PULIYAKKUTH MUHAMMAD @ KUNHANI HAJI, PULIYAKKUTH HOUSE, PATTIKKAD, MALAPPURAM DISTRICT -, 10 HANEEFA, S/O. PULIYAKKUTH MUHAMMAD @ KUNHANI HAJI, PULIYAKKUTH HOUSE, PATTIKKAD, MALAPPURAM DISTRICT -, 11 MAJEED, S/O. PULIYAKKUTH MUHAMMAD @ KUNHANI HAJI, PULIYAKKUTH HOUSE, PATTIKKAD, MALAPPURAM DISTRICT-,

OTHER PRESENT: SMT.NISHA BOSE, SR.GP THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31.05.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: P.V. KUNHIKRISHNAN,J ----- W.P(C) No.17105/2023 ----- Dated : 31st May, 2023

JUDGMENT

The above writ petition is filed with following prayers :

i.To issue a Writ of mandamus or any other appropriate Writ or order or direction directing the 1 st respondent to finalize the proceedings, evident from Exts.P10 and P11 within a time frame to be fixed by this Hon'ble Court and to restrain the 5th respondent from effecting any appointments

in the School till a decision is taken by the Government and duly communicate to the petitioner, ii.To dispense with filing of the translation of vernacular documents; iii. To grant such other and further reliefs as are just, proper and necessary in the facts and circumstances of the case.

2. The main grievance of the petitioner is that the 1 st

respondent have not finalised the proceedings as evident by Exts.P10 and P11 within the time frame fixed by this Court and the 5 th respondent is effecting appointment in the school before final orders are passed.

3. I heard the learned Counsel for the petitioner and the

Government Pleader. No notice is necessary to respondents 5 to 11 at this stage. If they are aggrieved by the directions issued by this Court they are free to file a review petition.

4. When this writ petition came up for admission, this

Court directed to get instruction why final orders are not passed after the enquiry conducted as per Ext.P10 and P11. The Government Pleader on instruction submitted that ten days time is necessary for passing final orders. If that is the case, the writ petition is disposed of directing the 1st respondent to pass final orders based on Exts.P10 and P11 within ten days and till then no fresh appointment shall be made by the 5th respondent. Therefore this writ petition is disposed of with the following directions.

1. The 1st respondent will pass consequential order

based on enquiry conducted as evident by Exts.P10 and P11, as expeditiously as possible, at any rate, within a period of ten days from today and communicate the same to the petitioner forthwith. Till orders are passed and the same is communicated to the petitioner and other respondents 5 to 11 no fresh appointment shall be made by the 5th respondent in the school.

2. Petitioner will produce a certified copy of this

judgment before the 1st respondent and 5th respondent for

compliance. Sd/- P.V. KUNHIKRISHNAN, Judge jma APPENDIX OF WP(C) 17105/2023 PETITIONER EXHIBITS Exhibit P1 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE LEGAL HEIRS OF MUHAMMAD @ KUNHANI HAJI, THE FORMER MANAGER OF THE SCHOOL Exhibit P2 TRUE COPY OF THE DEATH CERTIFICATE OF THE FATHER OF THE PETITIONER Exhibit P3 TRUE COPY OF THE FAMILY MEMBERSHIP CERTIFICATE DATED 14-8-2013 Exhibit P4 TRUE COPY OF THE REPRESENTATION SUBMITTED

BY THE 5 TH RESPONDENT BEFORE THE 4 TH RESPONDENT DATED 20-6-2013 AND THE DECLARATION GIVEN BY THE PETITIONERS AND OTHERS

Exhibit P5 TRUE COPY OF THE REPRESENTATION DATED 25- 01-2022 SUBMITTED BEFORE THE 1 ST RESPONDENT Exhibit P6 TRUE COPY OF THE TITLE DEED NO.3935/1992 WITH TYPED COPY Exhibit P7 TRUE COPY OF THE JUDGMENT IN WP(C) NO. Exhibit P8 TRUE COPY OF THE HEARING NOTICE ISSUED BY THE GOVERNMENT TO THE PETITIONER DATED Exhibit P9 TRUE COPY OF THE JUDGMENT IN WP(C) NO. Exhibit P10 TRUE COPY OF THE HEARING NOTICE ISSUED BY THE GOVERNMENT TO THE PETITIONER DATED Exhibit P11 TRUE COPY OF THE HEARING NOTICE ISSUED BY THE GOVERNMENT TO THE PETITIONER, NO. GEDN-F2/26/2022-G.EDN DATED 20/10/2022 Exhibit P12 TRUE COPY OF THE COMMUNICATION ISSUED BY THE GOVERNMENT TO THE PETITIONER DATED Exhibit P13 THE ARGUMENT NOTE SUBMITTED BY THE PETITIONER BEFORE THE GOVERNMENT ON Exhibit P14 TRUE COPY OF THE NOTICE ISSUED BY THE GOVERNMENT TO THE PETITIONER DATED Exhibit P15 TRUE COPY OF THE INTERIM ORDER IN IA NO.

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