

V. Malathy vs the State of Kerala

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Court : Kerala

Decided On : Aug-25-2023

Judge : Honourable Mrs. Justice Anu Sivaraman

Appeal No. : WP(C)/17702/2023

Appellant : V. Malathy

Respondent : The State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN
FRIDAY, THE 25TH DAY OF AUGUST 2023 / 3RD BHADRA, 1945
WP(C) NO. 17702 OF 2023 PETITIONER: V. MALATHY AGED 55
YEARS W/O. LATE MANIKANDAN, 'COOK', PRE-METRIC BOYS
HOSTEL, KUMARANELLOOR, PALAKKAD DISTRICT, RESIDING AT
'GAYATHRI NIVAS', THAMARAKULAM, KANJIKODE, PALAKKAD -
678621 BY ADVS. SUNIL V.MOHAMMED A.A.SHIBI RESPONDENTS:

1 THE STATE OF KERALA REPRESENTED BY ITS SECRETARY TO
THE GOVERNMENT, GENERAL EDUCATION DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM., PIN -

695001 2 THE DISTRICT DEVELOPMENT OFFICER SCHEDULED CASTES, CIVIL STATION, PALAKKAD., PIN - 678001 3 THE SENIOR SUPERINTENDENT, THRITHALA GOVERNMENT MODEL RESIDENTIAL SCHOOL, PARAKKULAM, ANAKKARA.P.O, PALAKKAD., PIN - 679551 SRI.PREMCHAND R.NAIR, SR.GP THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON

25.08.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 25th day of August, 2023 This writ petition is filed seeking the following prayers: (i) Issue a writ of mandamus or any other appropriate writ, order or direction directing the 1 st respondent to consider and pass orders on Exts.P3 and P5 applications which were submitted along with documents; in accordance with Exts.P7 and P8.

(ii) Declare that the petitioner is entitled to continue in service till 31.05.2024 in light of Ext.P1 Birth Certificate, in accordance with Ext.P7 and P8

2. Heard the learned counsel for the petitioner and the learned Government Pleader.

3. It is submitted by the learned counsel for the petitioner that the

petitioners date of birth has been corrected in the SSLC Book and that if the corresponding correction is carried out in the service records, the petitioner would be entitled to continue in service for a further period of one year.

4. The learned Government Pleader submits that the application submitted by the petitioner and the supporting documents have been forwarded to the Government for consideration.

5. Having considered the contentions advanced, there will be a

direction to the 1st respondent to take up the application submitted by the petitioner which has been forwarded by the 2nd respondent and to consider and pass orders on the same within a period of two months from the date of receipt of a copy of this judgment. The petitioner shall

produce a copy of the writ petition along with a copy of this judgment

and the application, if any, submitted by the petitioner before the 2nd respondent before the 1st respondent for compliance. This writ petition is ordered accordingly.

Sd/- ANU SIVARAMAN JUDGE NP APPENDIX OF WP(C) 17702/2023
PETITIONERS EXHIBITS Exhibit P1 TRUE COPY OF THE BIRTH CERTIFICATE ISSUED BY THE REGISTRAR, BIRTHS AND DEATHS, MUNICIPAL OFFICE, PALAKKAD, DATED 22.07.2011 Exhibit P2 TRUE COPY OF THE FIRST PAGE OF THE SSLC BOOK OF THE PETITIONER Exhibit P3 TRUE COPY OF THE APPLICATION DATED 25.04.2015 Exhibit P4 TRUE COPY OF LETTER NO.22593/G2/2015/GEDN. DATED 08.05.2015 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER. Exhibit P5 TRUE COPY OF THE APPLICATION DATED 02.06.2015. Exhibit P6 TRUE COPY OF THE ONE AND THE SAME CERTIFICATE DATED 30.05.2015 ISSUED BY THE VILLAGE OFFICER, PALAKKAD-2. Exhibit P7 TRUE COPY OF THE CIRCULAR NO. 11980/SC3/87/P&ARD DATED 03.12.1987. Exhibit P8 TRUE COPY OF THE GO(P) NO. 26/91/P&ARD DATED 27.08.1991 RESPONDENTS EXHIBITS: NIL

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