

Lali James vs State of Kerala

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Court : Kerala

Decided On : Jan-31-2022

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : WP(C)/3018/2022

Appellant : Lali James

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS MONDAY, THE 31ST DAY OF JANUARY 2022 / 11TH MAGHA, 1943 PETITIONERS : 1 LALI JAMES, AGED 54 YEARS, HEADMISTRESS, MANNAR SYRIAN MDLPS KUTTEMPEROOR, MANNAR, ALAPUZHA, PIN-689623, FORMER HEADMISTRESS T.M.U U.P SCHOOL, MEENADOM, KOTTAYAM, NOW RESIDING AT THANJAMKULATHU SAMBHAVAN, MYLAMKULAM, PUTHOOR P.O, KOLLAM, PIN-691507

2 JAYAMOL THOMAS, W/O.KURIAKOSE, AGED 53 YEARS, HEADMISTRESS MDLPS, PAMPADY P.O, KOTTAYAM- PIN-686 502

NOW RESIDING AT AYMANAMTHARAYIL, MUTTAMBALAM P.O., KOTTAYAM - 686 004 BY ADVS. A.C.KURIAKOSE K.G.SARATH KUMAR RESPONDENTS : 1 STATE OF KERALA, REPRESENTED BY SECRETARY TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN-695001. 2 THE DIRECTOR GENERAL OF EDUCATION (FORMERLY DIRECTOR OF PUBLIC INSTRUCTION), OFFICE OF THE DGE, DPI JUNCTION, JAGATHY P.O, THIRUVANANTHAPURAM, KERALA, 695 014 3 THE DISTRICT EDUCATIONAL OFFICER, AZAD LINE, NEAR FIRE STATION, VYASKARA, THIRUNAKARA, KOTTAYAM, PIN- 686001

4 THE ASSISTANT EDUCATIONAL OFFICER, O/O. AEO, PAMPADY P.O, KOTTAYAM, PIN- 686502 5 THE CORPORATE MANAGER, CATHOLICATE & MD SCHOOLS, DEVALOKAM P.O, KOTTAYAM PIN- 686 004 BY SMT.NISHA BOSE, SENIOR GOVT.PLEADER THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31.01.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

----- W.P.(C) No.3018 of 2022 -----
----- Dated this the 31st day of January, 2022 -----

JUDGMENT

Petitioners have been promoted as Headmistress of two different schools under the management of the 5 th respondent. They claimed that they have been discharging their duties as Headmistress from 01.06.2021 and that since they have crossed the age of 50, they are exempted from passing departmental test, as stipulated in the Rules. However, approval of their appointments were declined, against which, statutory appeals have been preferred. Ext.P12 are the two statutory appeals preferred by both petitioners separately. A perusal of Ext.P12

reveals that appeals were preferred on 23.11.2021 by the 2nd petitioner while the first petitioner preferred her appeal on 01.12.2021.

2. Having regard to the circumstances arising in the case and

the submissions made by the learned counsel for the petitioners as well as the learned Senior Government, I am of the view that this writ petition can be disposed of by directing an expeditious consideration of Ext.P12 appeals, preferred by the petitioners, in a time bound manner. Accordingly, there will be a direction to the 3rd respondent to consider and dispose of Ext.P12 appeals dated 23.11.2021 and 01.12.2021 preferred by the petitioners separately within a period of two months from the date of receipt of a copy of this judgment, after affording an opportunity of hearing to the petitioners. The writ petition is disposed of as above. Sd/- BECHU KURIAN THOMAS, JUDGE RKM APPENDIX OF WP(C) 3018/2022 PETITIONERS' EXHIBITS : Exhibit1 TRUE COPY OF THE RANK/SENIORITY LIST FOR THE YEAR 2021 Exhibit2 TRUE COPY OF THE KERALA RIGHTS OF CHILDREN TO FREE AND COMPULSORY EDUCATION (AMENDMENT) RULES, 2021

Exhibit3 TRUE COPY OF THE PROMOTION ORDER

NO.CMD/TR/1137/21 DT. 31-05-2021 OF THE 5TH RESPONDENT Exhibit4 TRUE COPY OF THE RELIEVING ORDER AND JOINING REPORT DT. 01-06-2021 ALONG WITH ENGLISH TRANSLATION Exhibit5 TRUE COPY OF THE REPRESENTATION NO.46/21 DT. 01/09/2021 BEFORE THE 4TH RESPONDENT ALONG WITH ENGLISH TRANSLATION Exhibit6 TRUE COPY OF THE CIRCULAR NO.J1/19/21GED DT.16/02/2021 OF THE 1ST RESPONDENT ALONG Exhibit7 TRUE COPY OF THE REPRESENTATIONS DT.27/10/2021,22/11/2021 ADDRESSED TO 1ST Exhibit8 TRUE COPY OF THE REPRESENTATIONS DT. Exhibit9 TRUE COPY OF THE REPRESENTATIONS DT.03/11/2021& 11/11/2021 SENT TO THE 3RD Exhibit10 TRUE COPY OF THE REPRESENTATIONS DT. Exhibit11 TRUE COPY OF THE LETTER NO.C/1539/2021 DT.17/11/2021 & LETTER NO.C/2572/2021 DT. Exhibit12 TRUE COPY OF THE REPRESENTATION DT. APPLICANTS BEFORE THE 3RD RESPONDENT AND ITS ACKNOWLEDGEMENTS ALONG WITH ENGLISH

TRANSLATION Exhibit13 TRUE COPY OF THE ORDER NO. D/130/2021 DT.

Exhibit14 TRUE COPY OF THE PAY FIXATION CALCULATION STATEMENT

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