

Silja B, vs the State of Kerala

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Court : Kerala

Decided On : Sep-19-2022

Judge : Honourable Mr. Justice Raja Vijayaraghavan V

Appeal No. : WP(C)/10783/2022

Appellant : Silja B,

Respondent : The State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V MONDAY, THE 19TH DAY OF SEPTEMBER 2022 / 28TH BHADRA, 1944 WP(C) NO. 10783 OF 2022 PETITIONER: SILJA B, AGED 49 YEARS W/O VINESH KUMAR, D/O LATE A BALAN, UP SCHOOL ASSISTANT, YOGINIMATHA GIRLS HIGH SCHOOL, KOLLENGODE, PALAKKAD DIST-678 506. RESIDING AT VADAKKANPADAM HOUSE, KODUVAYUR POST, PALAKKAD DIST-678 501. BY ADVS. SAJAN VARGHEESE K. LIJU. M.P JOPHY POTHEN KANDANKARY RESPONDENTS:

1 THE STATE OF KERALA REP BY THE SECRETARY TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001. 2 THE DIRECTOR OF GENERAL EDUCATION, JAGATHY, THIRUVANANTHAPURAM-695 014. 3 THE DEPUTY DIRECTOR OF EDUCATION FORT MAIDAN, PALAKKAD-678 001. 4 THE DISTRICT EDUCATIONAL OFFICER FORT MAIDAN, PALAKKAD DISTRICT-678 101. 5 THE HEADMISTRESS, YOGINIMATHA GIRLS HIGH SCHOOL, KOLLENGODE, PALAKKAD DIST-678 506. 6 THE CORPORATE MANAGER, BSS EDUCATIONAL SOCIETY, BSS GURUKULAM SCHOOL CAMPUS, ALATHUR POST, PALAKKAD-678 541.

SMT.NISHA BOSE, SR GP WP(C) NO. 10783 OF 2022 2 THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19.09.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C) NO. 10783 OF 2022 3

JUDGMENT

The petitioner states that she is working as UP School Assistant in the Yoginimatha Girls High School, Kollengode. Relying on Ext.P4 staff fixation order, it is submitted that the petitioner has a legitimate claim to be appointed to the additional post of HSA (Social Science), which has been sanctioned in the school. The proposal forwarded by the Headmistress to the 4th respondent was rejected by Ext.P7 order on the ground that there is a dispute with regard to Managership and the school authorities have not secured approval of the seniority list for the purpose of promotion. Though an appeal was preferred before the 3rd respondent, the same was rejected by Ext.P11 order. Being aggrieved, the petitioner is stated to have preferred Ext.P12 revision petition before the 2nd respondent. It is in the afore circumstances that this writ petition is filed seeking to quash Exts.P7 and P11 and for a further direction to the respondents to grant promotion to the petitioner to the post of HSA (Social Science) with immediate effect.

2. When the matter came up for consideration, Sajan Varghese K.,

the learned counsel appearing for the petitioner, submitted that the records reveal that no one has a better claim to the post of HSA (Social Science), but it was on technical grounds that the right of the petitioner was denied. The WP(C) NO. 10783 OF 2022 4 learned counsel requests that for the time being, the petitioner would be satisfied if directions are issued to the 2nd respondent to consider Ext.P12 and take a decision.

3. I have heard the learned Senior Government Pleader who submitted that if Ext.P12 is pending before the 2nd respondent, appropriate orders can be passed.

4. In view of the order that I propose to pass, notice to respondents 5 and 6 is dispensed with.

5. After having carefully evaluated the contentions raised in this

writ petition, the submissions made across the Bar, and the facts and circumstances, I am of the view that this writ petition can be disposed of at the admission stage itself by issuing the following directions: a) There will be a direction to the 2nd respondent to take up, consider and pass appropriate orders on Ext.P12, after affording an opportunity of being heard, either physically or virtually, to the petitioner herein or her authorized representative and respondents 5 and 6. b) Orders, as directed above, shall be passed expeditiously, in any event, within three months from the date of production of a copy of this judgment. WP(C) NO. 10783 OF 2022 5 c) It would be open to the petitioner to produce a copy of the writ petition along with the judgment before the concerned respondent for further action.

This writ petition is disposed of. Sd/- RAJA VIJAYARAGHAVAN V JUDGE sru
WP(C) NO. 10783 OF 2022 6 APPENDIX OF WP(C) 10783/2022 PETITIONER'S
EXHIBITS Exhibit P1 TRUE COPY OF THE APPOINTMENT ORDER OF THE
PETITIONER DATED 7.6.2001. Exhibit P2 TRUE COPY OF THE COMBINED
STAFF LIST OF YOGINIMATHA GIRLS HIGH SCHOOL (YMGS) AND BSS HIGH
SCHOOL AS ON 1.6.2011. Exhibit P3 TRUE COPY OF THE SENIORITY LIST

OF THE STAFF UNDER THE BSS EDUCATIONAL SOCIETY AS ON 1.1.2017. Exhibit P4 TRUE COPY OF THE STAFF FIXATION ORDER FOR THE YEAR 2019-20 DATED 18.7/2019 ISSUED BY THE RESPONDENT NO 4. Exhibit P5 TRUE COPY OF THE LETTER DATED 1.8.2019 SENT BY THE 5TH RESPONDENT TO THE 4TH RESPONDENT. Exhibit P6 TRUE COPY OF THE REPRESENTATION DATED 1.8.2019 SUBMITTED BY THE PETITIONER TO THE 4TH RESPONDENT. Exhibit P7 TRUE COPY OF THE ORDER DATED 25.9.2019 COMMUNICATION BY THE 4TH RESPONDENT TO THE 5TH RESPONDENT. Exhibit P8 TRUE COPY OF THE APPEAL MEMORANDUM SUBMITTED BEFORE THE 3RD RESPONDENT ON 11.10.2019. Exhibit P9 TRUE COPY OF THE SERVICE DETAILS OF THE PETITIONER CERTIFIED BY THE 5TH RESPONDENT. Exhibit P10 TRUE COPY OF THE STAFF LIST OF YOGINIMATHA GIRLS HIGH SCHOOL KOLLENGODE AS ON 1.6.2020. Exhibit P11 TRUE COPY OF THE ORDER DATED 6.8.2021 ISSUED BY THE 3RD RESPONDENT. Exhibit P12 TRUE COPY OF THE REVISION MEMORANDUM DATED WP(C) NO. 10783 OF 2022 7 22.11.2021 SUBMITTED BEFORE THE 2ND RESPONDENT RESPONDENTS EXHIBITS : NIL

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