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Kavitha S vs State of Kerala

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Court : Kerala

Decided On : Jul-30-2021

Judge : Honourable Mrs. Justice Anu Sivaraman

Appeal No. : WP(C)/15198/2021

Appellant : Kavitha S

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN FRIDAY, THE 30TH DAY OF JULY 2021 / 8TH SRAVANA, 1943 PETITIONER: KAVITHA S AGED 33 YEARS D/O.PRASAD, UPSA, MODAKKALLUR AUP SCHOOL, MODAKKALLUR P.O.,KOZHIKODE DISTRICT-673 321, RESIDING AT SISIRAM, CHENOLI P.O, PERAMBRA, KOZHIKODE DISTRICT-673 525

BY ADVS. R.K.MURALEEDHARAN ATHIRA A.MENON AMAL S KUMAR RESPONDENTS: 1 STATE OF KERALA REP BY SECRETARY TO GENERAL EDUCATION DEPARTMENT, THIRUVANANTHAPURAM -695 001 2 THE DISTRICT EDUCATIONAL OFFICER, VATAKARA, KOZHIKODE DISTRICT-673 004 3 ASSISTANT EDUCATIONAL

OFFICER, KOYILANDY,KOZHIKODE DISTRICT-673 004 4 THE MANAGER, MODAKKALLUR AUP SCHOOL, MODAKKALLUR P.O., KOZHIKODE DISTRICT-673 321 5 THE HEADMASTER, MODAKKALLUR AUP SCHOOL, MODAKKALLUR P.O.,KOZHIKODE DISTRICT-673 321 6 SUMILA M.K. TACHER (UNAPPROVED), MODAKKALLUR AUP SCHOOL, 7 ARATHI, 8 SHINIJA, 9 NASEERA.E.M. SRI. BIJOY CHANDRAN- SR. G.P. THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30.07.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

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 5th respondent to permit the

petitioner to join the school and forward Ext.P7 order of appointment to the 3rd respondent through SAMANWAYA and the 3rd respondent may be directed to approve the same within a time frame; Or in the alternative

(ii) Issue a writ of mandamus or any other appropriate writ,

order or direction, directing the 3rd respondent to consider

Ext.P9 objection and Ext.P11 request submitted by the petitioner after hearing within a time frame and till then any proposal for approval other that the petitioner after 01.06.2017 shall be kept in abeyance.

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

petitioner was initially appointed as LPST in the 5 th respondent's school on 01.06.2017. Thereafter, on 01.06.2020, the petitioner was appointed in a regular retirement vacancy of UPST. It is submitted that by Ext.P8 Government Order, the Government have permitted teachers appointed during 2020-2021 to join duty. However, the Headmaster did not permit the petitioner to join duty. It is submitted that in the meanwhile, it appears that respondents 6 to 9 have been appointed in the school. The petitioner has preferred Ext.P9 objection before the AEO with regard to the approval of respondents 6 to 9. Ext.P11 request is also been made seeking orders directing the Headmaster of the school to permit the petitioner to join duty. The learned counsel for the petitioner submits that Exts.P9 and P11 are to be considered by the AEO with notice to all concerned.

4. Having heard the learned Government Pleader also, there will be a

direction to the 3rd respondent to take up, consider and pass orders on Exts.P9 and P11 requests made by the petitioner, with notice to all concerned including respondents 4 to 9, within a period of one month from the date of receipt of a copy of this judgment. Orders shall be passed, at any rate, before the approval of appointments of respondents 6 to 9, if such appointments have not already been approved. This writ petition is ordered accordingly. Sd/- ANU SIVARAMAN JUDGE NP APPENDIX OF WP(C) 15198/2021 PETITIONER'S/S EXHIBITS: Exhibit P1 A TRUE COPY OF THE APPOINTMENT ORDER IN FROM 27 ALONG WITH THE COVERING LETTER ISSUED BY THE 4TH RESPONDENT DATED 01.06.2017. Exhibit P2 A TRUE COPY OF THE STAFF FIXATION OF THE SCHOOL FOR THE YEAR 2017-18 DATED 12.07.2017. Exhibit P3 A TRUE COPY OF THE ORDER DATED 26.09.2017 OF THE 3RD RESPONDENT. Exhibit P4 A TRUE COPY OF THE ORDER DATED 02.05.2018 ISSUED BY THE 2ND RESPONDENT. Exhibit P5 A TRUE COPY OF THE MEDICAL CERTIFICATE ISSUED

BY DR. MENON NALINI SEKHARAN, ASSOCIATE PROFESSOR, DEPARTMENT OF OBSTETRICS AND GYNECOLOGY , GOVERNMENT MEDICAL COLLEGE, KOZHIKODE DISTRICT DATED 01.02.2019.

Exhibit P6 A TRUE COPY OF THE CERTIFICATE ISSUED BY DR. AJITH KUMAR V.T DATED 01.02.2019. Exhibit P7 A TRUE COPY OF THE APPOINTMENT ORDER DATED 01.06.2020 BY THE 4TH RESPONDENT MANAGER. Exhibit P8 A TRUE COPY OF THE GO(RT) NO. 3287/2021/G.EDN DATED 06.07.2021. Exhibit P9 A TRUE COPY OF THE OBJECTION FILED BY THE PETITIONER DATED 05.07.2021. Exhibit P10 A TRUE COPY OF THE LETTER ISSUED BY THE 4TH RESPONDENT DATED 08.07.2021. Exhibit P11 A TRUE COPY OF THE REQUEST SUBMITTED BEFORE THE 3RD RESPONDENT DATED 15.07.2021. RESPONDENT'S/S EXHIBITS: NIL

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