SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com

A. Souda vs the State of Kerala

A. Souda vs the State of Kerala

SooperKanoon Citation : sooperkanoon.com/1682874

Court : Kerala

Decided On : Sep-30-2021

Judge : Honourable Mr. Justice Raja Vijayaraghavan V

Appeal No. : WP(C)/20650/2021

Appellant : A. Souda

Respondent : The State of Kerala

Judgement :

WP(C) NO. 20650 OF 2021 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V THURSDAY, THE 30TH DAY OF SEPTEMBER 2021 / 8TH ASWINA, 1943 WP(C) NO. 20650 OF 2021 PETITIONER/S: A. SOUDA AGED 49 YEARS W/O. A. RAHIM, HEADMISTRESS, PULIYAPARAMB HIGHER SECONDARY SCHOOL, POST KODUNTHIRAPULLY, BY ADVS. V.A.MUHAMMED M.SAJJAD RESPONDENT/S: 1 THE STATE OF KERALA REPRESENTED BY ITS SECRETARY TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT, SECRETARIAT ANNEXE II, THIRUVANANTHAPURAM - 695 001. 2 THE REGIONAL DEPUTY DIRECTOR OF HIGHER

SECONDARY EDUCATION, B2 BLOCK, UP HILL, CIVIL STATION ROAD, MALAPPURAM DISTRICT - 676 505. 3 THE MANAGER PULIYAPARAMB HIGHER SECONDARY SCHOOL, POST KODUNTHIRAPULLY, SMT. NISHA BOSE, SR. GP THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30.09.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C) NO. 20650 OF 2021 2

JUDGMENT

The petitioner states that he is the Headmaster in the Puliyaparamb

Higher Secondary School, Kodunthirapully, an aided School under the management of the 3rd respondent. It is the case of the petitioner that the School was upgraded as a Higher Secondary School in the year 2000 and the post of Principal was sanctioned in the year 2006. Applying the 2:1 ratio, it is now the 3rd turn of the Principal and the petitioner being qualified, she was appointed to the post. However, her request was rejected by the 2nd respondent on the ground that there is no workload for the petitioner to teach the pupils. The petitioner contends that the view taken by the 2nd respondent is against the principles laid down by this Court in Jayaraj V.P. and Another v. State of Kerala and Others [2016 KHC 419] and also the stand taken by the Government in Exts.P8 and P9 Government Orders and the law laid down by this Court in Ext.P1 and P11. Being aggrieved, the petitioner is stated to have preferred Ext.P10 representation before the 1st respondent. It is in the afore circumstances that the petitioner is before this Court seeking issuance of directions to the 1st respondent to consider Ext.P10 in an expeditious manner in the light of Exts. P1, P8, P9 and P11.

2. I have heard Sri.M.Sajjad, the learned counsel appearing for the petitioner and Smt.Nisha Bose, the learned senior Government Pleader. WP(C) NO. 20650 OF 2021 3

3. 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 1st respondent to take up, consider and pass appropriate orders on Ext.P10 in the light of Exts. P1, P8, P9 and P11 as per procedure and in strict adherence to the provisions of law. An opportunity of being heard, either physically or virtually, shall be afforded to the petitioner or her authorised representative, as well as the 3rd respondent.

b) Orders, as directed above, shall be passed expeditiously, in any event, within a period of three months from the date of production of a copy of this judgment. 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 DSV WP(C) NO. 20650 OF 2021 4 APPENDIX OF WP(C) 20650/2021 PETITIONER(S) EXHIBITS : EXHIBIT P1 TRUE COPY OF THE DECISION REPORTED IN 2021(4) KHC 264 DECIDED ON 8TH APRIL 2021. EXHIBIT P2 TRUE COPY OF THE LETTER OF SRI. MOHAMMED AMEEN K. K. DATED 12.07.2021. EXHIBIT P3 TRUE COPY OF THE STATEMENT OF RELINQUISHMENT DATED 12.07.2021. EXHIBIT P4 TRUE COPY OF THE PROCEEDINGS OF THE MANAGER DATED 13.07.2021. EXHIBIT P5 TRUE COPY OF THE APPOINTMENT ORDER OF THE PETITIONER DATED 13.07.2021. EXHIBIT P6 TRUE COPY OF THE PHSS/RDD/APPT/07/2021/12 DATED 13.07.2021 BY THE MANAGER ADDRESSED TO THE 2ND RESPONDENT.

EXHIBIT P7 TRUE COPY OF THE ORDER

NO.G/4431/2021/RDD/HSE/MLPM DATED 06.09.2021 OF THE 2ND RESPONDENT. EXHIBIT P8 TRUE COPY OF THE G.O.(RT) NO.2913/2021/G.EDN. DATED 02.06.2021 OF EXHIBIT P9 TRUE COPY OF THE G.O.(RT) NO.1992/2020/G.EDN. DATED 16.06.2020 OF EXHIBIT P10 TRUE

COPY OF THE PETITION ADDRESSED TO THE 1ST RESPONDENT DATED 09.09.2021. EXHIBIT P11 TRUE COPY OF THE DECISION REPORTED IN 2016 KHC 419 DECIDED ON 26.02.2016. EXHIBIT P12 TRUE COPY OF THE DECISION REPORTED IN 2017(3) KHC 429 DECIDED ON 19.06.2017. RESPONDENT(S) EXHIBITS : NIL

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com