

S.Mini vs the State of Kerala

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Court : Kerala

Decided On : Jun-30-2020

Judge : Honourable Mr.Justice C.S.Dias

Appeal No. : WP(C)/12470/2020

Appellant : S.MINI

Respondent : The State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE C.S.DIAS TUESDAY,
THE 30TH DAY OF JUNE 2020 / 9TH ASHADHA, 1942
WP(C).No.12470 OF 2020(G) PETITIONER: S.MINI AGED 40 YEARS,
W/O VENU KUMAR.A, HIGH SCHOOL ASSISTANT(HINDI), AMRITHA
SANKRIT HIGHER SECONDARY SCHOOL, PARIPALLY P O, KOLLAM
DISTRICT-691574, (NOW ON DEPLOYMENT AS CRCC, AT BRC
CHATHANNOOR, KOLLAM DISTRICT-691572) (RESIDING AT
MINILAND, PARIPALLY P O, KOLLAM DISTRICT-691574). BY ADVS.
SRI.V.A.MUHAMMED SRI.M.SAJJAD RESPONDENTS:

1 THE STATE OF KERALA, REPRESENTED BY ITS SECRETARY TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT, SECRETARIAT ANNEXE - II, THIRUVANANTHAPURAM-695001. 2 THE DIRECTOR OF GENERAL EDUCATION JAGATHY, THIRUVANANTHAPURAM - 695001. 3 THE DEPUTY DIRECTOR OF EDUCATION, THEVALLY, KOLLAM-691009. 4 THE DISTRICT EDUCATIONAL OFFICER, KOLLAM-691013. 5 THE MANAGER AMRITA SANSKRIT HIGHER SECONDARY SCHOOL, PARIPALLY P O, KOLLAM DISTRICT-691574. 6 THE HEADMISTRESS AMRITA SANSKRIT HIGHER SECONDARY SCHOOL, PARIPALLY P O, KOLLAM DISTRICT-691574. R1-4 BY NISHA BOSE --SR GP THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON

30.06.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 30th day of June 2020 The petitioner was initially appointed as LG Hindi teacher in the 5th respondent school w.e.f.02-06-2005. The said appointment was approved. The petitioner was later promoted to the post of HSA (Hindi) w.e.f. 08-08-2007. But the promotion and appointment was rejected on the ground that the vacancy was not established. Later, the appointment of the petitioner as HSA (Hindi) was approved w.e.f. 01-06-2011.

2. Aggrieved by the action of the

respondents 2 to 4, the petitioner has preferred Exhibit P4-Revision Petition before the 1st respondent, seeking approval of appointment of the petitioner as HSA (Hindi) w.e.f. 08-08-2007. The petitioner seeks for an expeditious consideration of Exhibit P4.

3. Heard the learned counsel for the petitioner and the learned Senior Government Pleader for respondents 1 to 4.

4. In view of the relief that I propose to grant, I dispense with notice to R5 and R6.

5. The learned counsel for the petitioner

reiterated the contentions pleaded in the writ petition. He prayed that the 1st respondent may be directed to consider and dispose of Exhibit P4 within a time frame. The learned Senior Government Pleader did not object to the prayer for an expeditious consideration of Exhibit P4.

6. Considering the averments pleaded in the

writ petition and after hearing the learned counsel for both sides and also taking into consideration the fact that Exhibit P4 is pending before the 1st respondent, without going into the merits of the dispute, I deem it appropriate to direct the 1st respondent to consider and dispose of Exhibit P4, in accordance with law, within a period of three months from the date of receipt of a copy of this judgment. The 1st respondent shall afford the petitioner or a representative of the petitioner

and R5 and R6, an opportunity of being heard before passing orders on Exhibit P4. The petitioner is at liberty to produce a copy of this

judgment along with a copy of the memorandum of

writ petition before the 1st respondent. This writ petition is ordered accordingly.
Sd/- C.S.DIAS JUDGE SSK/30/06 APPENDIX PETITIONER'S EXHIBITS:
EXHIBIT P1 TRUE COPY OF THE APPOINTMENT ORDER OF THE PETITIONER DATED 02.06.2005. EXHIBIT P2 TRUE COPY OF THE APPOINTMENT ORDER OF THE PETITIONER DATED 08.08.2007. EXHIBIT P3 TRUE COPY OF THE LETTER NO. B6/7517/07/K.DIS DATED 29.03.2008. EXHIBIT P4 TRUE COPY OF THE REVISION PETITION SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DATED 10.03.2020 (WITHOUT EXHIBITS) EXHIBIT P5 TRUE COPY OF THE REVISED STAFF FIXATION

ORDER FOR THE YEAR 2006-07 TO 2009-10 DATED

30.08.2010 ISSUED BY THE 4TH RESPONDENT. EXHIBIT P6 TRUE COPY OF THE JUDGMENT OF DIVISION BENCH IN WA NO.2290/2015 DATED 25.07.2017. EXHIBIT P7 TRUE COPY OF THE GO(RT) NO.4477/17/G.EDN DATED 21.11.2017. RESPONDENT'S EXHIBITS:NIL SSK //TRUE COPY// PA TO JUDGE

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