

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

TUESDAY, THE 22ND DAY OF NOVEMBER 2022 / 1ST AGRAHAYANA, 1944

WP(C) NO. 17977 OF 2022

PETITIONER/S:

K.P.SIVANANDAN,
AGED 63 YEARS, S/O. LATE P.P. CHATHUKUTTY,
KAMMANGHATT HOUSE, KUNNAMANGALAM, MANAGER,
KUNNAMANGALAM A.M.L.P SCHOOL, KUNNAMANGALAM,
KOZHIKODE, PIN 673 571.

BY ADVS.KURIAN GEORGE KANNANTHANAM (SR.)
JIJI THOMAS
SMITHA MATHEW

RESPONDENT/S:

- 1 THE STATE OF KERALA
REP. BY ITS SECRETARY,
DEPARTMENT OF GENERAL EDUCATION,
SECRTRIAT, ANNEX, THIRUVANANTHAPURAM- 695 001.
- 2 DIRECTOR OF GENERAL EDUCATION,
GENERAL EDUCATION DEPARTMENT, JAGATHY,
THIRUVANANTHAPURAM- 695 014.
- 3 DISTRICT EDUCATIONAL OFFICER,
THAMARASSERY, KOZHIKODE 673 573.
- 4 ASSISTANT EDUCATIONAL OFFICER,
KUNNAMANGALAM, PIN 673 571.
- 5 SHITHA V.S, LPST,
KUNNAMANGALAM AMLP SCHOOL,
KUNNAMANGALAM P.O, KOZHIKODE 673 571.

BY ADVS.
ADVOCATE GENERAL OFFICE KERALA
ALEX GEORGE (CHAMAPPARAYIL)

SMT. ANIMA, GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 22.11.2022, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

JUDGMENT

The petitioner herein is the Manager of the A.M.L.P School, Kunnamangalam. This writ petition is filed seeking issuance of directions to the 4th respondent to take appropriate steps to approve the appointment of the 5th respondent in the light of Exts.P9 and P10 orders and also to disburse the salary and other service benefits.

2. It is the case of the petitioner that the 5th respondent was appointed as LPST by the petitioner in the resignation post of certain Smt. Brijila by Ext.P1 order with effect from 07.06.2019. The petitioner states that after several rounds of statutory appeals and revisions, the petitioner finally approached the Assistant Educational Officer (AEO), seeking approval of the appointment. However, the AEO refused to grant approval on the premise that this Court, in W.P.C No.19808/2021, in the matter of reservation of posts for persons with disabilities, had granted an interim order dated 23.09.2021. According to the petitioner, the said Writ Petition has been disposed of by this Court on 10.08.2022, and therefore the stand taken by the AEO cannot be sustained.

3. It is submitted by the learned Government Pleader that no action pursuant to Exts.P9 and P10 was taken in view of the interim order issued

by this Court in W.P.(C) No.19808 of 2021. It is further submitted that the said writ petition has now been disposed of and in that view of the matter, appropriate decision can be taken in the light of the observations and directions issued by this Court in **K.J. Varghese v. State of Kerala & Anr.** [Neutral Citation Number:2022/KER/43342: 2022 KHC 634], and the subsequent orders issued by the Government.

4. Having considered the facts and circumstances and the submissions made across the bar, this writ petition is disposed of directing the 4th respondent to take a decision on the grant of approval of the appointment of the 5th respondent in the light of the law laid down by this Court in **K.J. Varghese** (supra) and also the consequent Government orders. Appropriate orders shall be passed expeditiously, in any event, within six weeks from the date of receipt of a copy of this judgment.

This writ petition is disposed of.

Sd/-

RAJA VIJAYARAGHAVAN V
JUDGE

NS

APPENDIX OF WP (C) 17977/2022

PETITIONER(S) EXHIBITS :

- Exhibit P1 A COPY OF THE APPOINTMENT ORDER DATED
07.06.2019.
- Exhibit P2 A COPY OF INTERIM ORDER OF THE SUPREME APEX
COURT IN APPEAL CIVIL NO.3490/2016 DATED
07.04.2016.
- Exhibit P3 A COPY OF THE JUDGMENT IN W.P.C NO.
21664/2020 DATED 21.12.2020.
- Exhibit P4 A COPY OF THE AFFIDAVIT SUBMITTED BEFORE THE
AEO BY THE PETITIONER DATED 23.04.2021.
- Exhibit P5 A COPY OF THE REJECTION ORDER OF AEO NO.
D/11592/2019 DATED 28.12.2019.
- Exhibit P6 A COPY OF THE STAFF FIXATION ORDER OF AEO
NO.D/50377/2019 DATED 19.07.2019.
- Exhibit P7 A COPY OF THE REJECTION ORDER OF DDE NO.
B2/60458/2019 DATED 27.09.2019.
- Exhibit P8 A COPY OF THE REJECTION ORDER OF THE DEO NO.
K.DIS A.3/191328/2020 DATED 20.10.2020.
- Exhibit P9 A COPY OF THE ORDER OF DGE NO.R
A4/75076/2019 DATED 17.03.2022.
- Exhibit P10 A COPY OF THE SANCTION ORDER OF AEO NO.
D/101216/2019 DATED 11.05.2022.

RESPONDENT(S) EXHIBITS :

- Exhibit R4(a) TRUE COPY OF G.O(P) NO.19/2021/G.EDN DATED
08.11.2021