

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

WEDNESDAY, THE 5<sup>TH</sup> DAY OF JULY 2023 / 14TH ASHADHA, 1945

WP(C) NO. 21744 OF 2023

**PETITIONER:**

ANJALI V.  
AGED 32 YEARS  
W/O. GEETHESH, THATTAPARAMBIL HOUSE, AROOR P.O.,  
CHERTHALA, ALAPPUZHA, PIN - 688534

BY ADVS.  
K.SUJAI SATHIAN  
PREETHI. P.V.  
M.V.BALAGOPAL  
GOURI MEEMPAT  
SANGEETHA SREEKUMAR  
T.SETHUMADHAVAN (SR.)

**RESPONDENTS:**

- 1 STATE OF KERALA REPRESENTED BY PRINCIPAL SECRETARY TO  
GOVERNMENT,  
GENERAL EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT,  
THIRUVANANTHAPURAM, PIN - 695001
- 2 THE DIRECTOR GENERAL OF EDUCATION, JAGATHI,  
THIRUVANANTHAPURAM, PIN - 695014
- 3 DISTRICT EDUCATIONAL OFFICER,  
CHERTHALA, ALAPPUZHA, PIN - 688532
- 4 THE ASSISTANT EDUCATIONAL OFFICER  
OFFICE OF THE DISTRICT EDUCATION OFFICE, THURAVOOR,  
ALAPPUZHA, PIN - 688532
- 5 THE MANAGER  
SND SYUPS PANAVALLY SCHOOL, THURAVOOR, ALAPPUZHA, PIN -  
688532

**OTHER PRESENT:**

SMT. SURYA BINOY- GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
05.07.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**P.V.KUNHIKRISHNAN**

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W.P (C) No.21744 of 2023  
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Dated this the 5<sup>th</sup> day of July, 2023

**JUDGMENT**

This writ petition is filed with the following prayers:-

*"i) To issue an order of writ of certiorari directing the 4<sup>th</sup> respondent to approve the appointment of the petitioner on the basis of Exhibit P4 order and in the light of Exhibit P6 Government Order;*

*ii) To issue a writ of mandamus to call for the records leading to Exhibit P5 and to quash the same.*

*iii) To grant such other relief as this Hon'ble Court may deem fit and proper in the circumstances of the case.*

*iv) To dispense with the production of translated copies of vernacular documents " (SIC)*

2. This writ petition is filed mainly challenging Ext.P5 order passed by the 3<sup>rd</sup> respondent. According to the petitioner, in the light of Ext.P4, Ext.P5 will not stand. Admittedly, the petitioner has got a remedy by way of revision against Ext.P5 under Rule 8A of Chapter XIV KER. In the light of the same, I think this writ petition need not be retained here. The petitioner can be allowed to file a revision before the 2<sup>nd</sup> respondent and the 2<sup>nd</sup> respondent

can be directed to consider the same in the light of Ext.P4. Therefore, this writ petition is disposed of with the following directions:-

I) The petitioner is free to file a revision against Ext.P5 before the 2<sup>nd</sup> respondent within two weeks from the date of receipt of a certified copy of this judgment.

II) If such a revision is received by the 2<sup>nd</sup> respondent along with a copy of this writ petition and a certified copy of this judgment, the 2<sup>nd</sup> respondent will consider the same and pass appropriate orders in it, after giving an opportunity of hearing to the petitioner, in the light of Ext.P4 order, as expeditiously as possible, at any rate, within two months from the date of receipt of a certified copy of this judgment.

III) The petitioner will produce a certified copy of this judgment along with a copy of this writ petition before the 2<sup>nd</sup> respondent for compliance.

Sd/-

**P.V.KUNHIKRISHNAN**

**JUDGE**

bng

**APPENDIX OF WP(C) 21744/2023**

PETITIONER EXHIBITS

Exhibit P1	A .TRUE COPY OF THE PROPOSAL SUBMITTED BY THE 5TH RESPONDENT BEFORE THE 4TH RESPONDENT DATED 20.09.2021
Exhibit P2	A .TRUE COPY OF THE ORDER NO.C/19179/2021 DATED 28.09.2021 OF THE 4TH RESPONDENT REJECTING THE PROPOSAL SUBMITTED BY THE MANAGER
Exhibit P3	A .TRUE COPY OF THE JUDGMENT IN WP(C) NO. 3684 OF 2022 DATED 16.06.2022
Exhibit P4	A. TRUE COPY OF THE ORDER NO.F3/117/2022/DGE DATED 28.12.2022
Exhibit P5	A .TRUE COPY OF THE ORDER NO.BI/198818/2022 DT.13.6.2023
Exhibit P6	A .TRUE COPY OF THE GONO.29/2023/GEDN DATED 24.03.2023 ALONG WITH CIRCULAR DATED 31.03.2023
Exhibit P7	A .TRUE COPY OF THE ROASTER SUBMITTED BY THE MANAGER TO THE 3RD RESPONDENT THROUGH SAMANWAYA PORTAL DATED NIL
Exhibit P8	A .TRUE COPY OF THE ORDER NO.C/47748/2019 DATED 17.07.2019 ISSUED BY THE 4TH RESPONDENT
Exhibit P9	A .TRUE COPY OF THE STAFF FIXATION ORDER NO.51974/2022 DATED 23.08.2022
Exhibit P10	A .TRUE COPY OF THE STAFF STATEMENT DATED 16.09.2021 SUBMITTED BY THE 5TH RESPONDENT TO THE 4TH RESPONDENT