

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

WEDNESDAY, THE 26TH DAY OF JULY 2023 / 4TH SRAVANA, 1945

WP(C) NO. 24537 OF 2023

PETITIONER:

BINDHU.S
AGED 52 YEARS
W/O VINOBA.S, RESIDING AT NANDANAM, PARIPPALLY P.O.,
KOLLAM (WORKING AS HIGHER SECONDARY SCHOOL TEACHER
(ENGLISH) CHEMPAKASSERY HIGHER SECONDARY SCHOOL ,
BHOOOTHAKULAM), PIN - 691574
BY ADVS.
HARISH GOPINATH
AMRITHA SOMASUNDARAN

RESPONDENTS:

- 1 DIRECTOR OF GENERAL EDUCATION(HIGHER SECONDARY
EDUCATION WING)
HOUSING BOARD BUILDINGS, SANTHI NAGAR,
THIRUVANANTHAPURAM, KERALA, PIN - 695001
- 2 THE REGIONAL DEPUTY DIRECTOR HIGHER SECONDARY EDUCATION
4TH FLOOR, COOPERATIVE BUILDING, , THIRUVANANTHAPURAM,
KERALA, PIN - 695033
- 3 THE MANAGER
CHEMPAKASSERY HIGHER SECONDARY SCHOOL , BHOOOTHAKULAM,
KOLLAM, PIN - 691302
- 4 MOHANAN PILLAI
AGED 54 YEARS
HIGHER SECONDARY SCHOOL TEACHER (ECONOMICS)
CHEMPAKASSERY HIGHER SECONDARY SCHOOL , BHOOOTHAKULAM,
KOLLAM, PIN - 691302
- 5 CHEMPAKASSERY HIGHER SECONDARY SCHOOL
REPRESENTED BY ITS MANAGER BHOOOTHAKULAM, KOLLAM, PIN -
691302

OTHER PRESENT:

SMT.NISHA BOSE-SR.GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
26.07.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 26th day of July, 2023

This writ petition is filed seeking the following reliefs:-

- a. A writ of mandamus or such other writ order or direction in the nature of mandamus directing the 3rd Respondent to promote the petitioner as principal and to forward the proposal to the 1st respondent for approval and,*
- b. To declare that the petitioner is entitled to be promoted as the principal of the respondent on school with effect from 1/6/2023 and direct the 3rd respondent to disburse all benefit due to the petitioner as the principal with effect from 1/6/2023.*

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 is the senior most HSST in the 5th respondent School and that she is fully entitled and eligible to be appointed as Principal of the School. It is submitted that the post of Principal is vacant from 1/6/2023 on account of the retirement of the previous incumbent on 31/5/2023. It is submitted that the 4th respondent is now being attempted to be placed as Principal overlooking the petitioner's seniority. The petitioner has submitted Ext.P6 complaint before the 2nd respondent, with copy to the Manager as

well.

Having considered the contentions advanced and having heard the learned Government Pleader also, I am of the opinion that Ext.P6 complaint submitted by the petitioner is liable to be considered, in accordance with law. There will accordingly be a direction to the 2nd respondent to take up Ext.P6 representation submitted by the petitioner and to consider and pass orders on the same, with notice to the petitioner as well as respondents 3 and 4 and after hearing them. Appropriate orders shall be passed within a period of one month from the date of receipt of a copy of this judgment.

This writ petition is ordered accordingly.

Sd/-

ANU SIVARAMAN
JUDGE

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APPENDIX OF WP(C) 24537/2023**PETITIONER EXHIBITS**

- Exhibit P1 TRUE COPY OF THE PETITIONER'S APPOINTMENT ORDER DATED 11/09/98 BEARING NO- HST/2/98 ISSUED BY THE 3RD RESPONDENT
- Exhibit P2 TRUE COPY OF THE ORDER NO- 6/2974/HSE/99 DATED 06/03/1999 ISSUED BY THE DIRECTOR OF HIGHER SECONDARY EDUCATION ALONG WITH THE TYPED COPY
- Exhibit P3 TRUE COPY OF THE STAFF DETAILS SENIORITY WISE OF THE CHEMPAKASSERY HSS, BHOOHAKULAM, AS PER STAFF FIXATION ORDER NO - TRO/5/9466/2009/HSE DATED 21/06/2014
- Exhibit P4 TRUE COPY OF THE G.O(MS)- 171/2003/G.EDN. DATED 23/06/2003
- Exhibit P5 TRUE COPY OF THE CIRCULAR NO. ACD/B1/11646/HSE/2003, DATED 17/7/2003 ISSUED BY THE DIRECTOR, HIGHER SECONDARY EDUCATION
- Exhibit P6 TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER TO THE 2ND RESPONDENTS DATED 7/3/2023