

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

TUESDAY, THE 18TH DAY OF OCTOBER 2022 / 26TH ASWINA, 1944

WP (C) NO. 14246 OF 2022

PETITIONER:

RESHMA S.
AGED 31 YEARS
W/O. SUMANTH, VIVEKANANDA NAGAR P.O , RD NAGAR,
KUDLU VILLAGE, KASARAGODE -671123
BY ADV V.A.VINOD

RESPONDENTS:

- 1 THE REGIONAL DEPUTY DIRECTOR,
OFFICE OF THE REGIONAL DEPUTY DIRECTOR, HIGHER
SECONDARY EDUCATION, PAYYAMBLAM P.O, KANNUR 670 001
- 2 THE MANAGER
M S COLLEGE HIGHER SECONDARY SCHOOL, PERDALA,
NIRCHAL P.O, KUMBLA,
KASARAGODE 671 321
- 3 THE PRINCIPAL
M S COLLEGE HIGHER SECONDARY SCHOOL, PERDALA,
NIRCHAL P.O, KUMBLA,
KASARAGODE 671 321
- 4 SHAJI
HSST JR, M S COLLEGE AND HIGHER SECONDARY SCHOOL,
PERDALA, NIRCHAL P.O, KUMBLA,
KASARAGODE 671 321
BY ADVS.
JIJI S
P.SAMSUDIN
M.ANUROOP
M.M.BABY (K/000493/1995)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 18.10.2022, THE COURT ON 20.10.2022 DELIVERED THE
FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM**PRESENT****THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V****TUESDAY, THE 18TH DAY OF OCTOBER 2022 / 26TH ASWINA, 1944****WP(C) NO. 28109 OF 2022****PETITIONER:**

RESHMA S
AGED 31 YEARS
W/O. SUMANTH, VIVEKANANDA NAGAR P.O., R D NAGAR, KUDLU
VILLAGE, KASARAGODE.
BY ADV V.A.VINOD

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY ITS SECRETARY, GENERAL EDUCATION
DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM
- 695001.
- 2 THE REGIONAL DEPUTY DIRECTOR,
OFFICE OF THE REGIONAL DEPUTY DIRECTOR, HIGHER
SECONDARY EDUCATION, PAYYAMBALAM P.O., KANNUR 670 001.
- 3 THE MANAGER,
MS COLLEGE HIGHER SECONDARY SCHOOL, PERDALA, NIRCHAL
P.O., KUMBLA, KASARAGODE -671 321.
- 4 THE PRINCIPAL,
M S COLLEGE HIGHER SECONDARY SCHOOL, PERDALA, NIRCHAL
P.O., KUMBLA, KASARAGODE -671 321.
- 5 SHAJU. P,
AGED 42 YEARS
S/O P.V. BALAKRISHNAN, PALIYERI VEEDU, KARIVELLUR P.O,
PAYYANUR, KANNUR - 670521.
BY ADVS.
M.ANUROOP
LIRA A.B. (K/001251/2021)
MILAN RACHEL MATHEW (K/001735/2020)

OTHER PRESENT:

SMT SAROJINI GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
18.10.2022, THE COURT ON 20.10.2022 DELIVERED THE FOLLOWING:

JUDGMENT

Reshma.S, the petitioner in these writ petitions, contends that she is qualified to be appointed as HSST. She contends that pursuant to Exhibit P1 notification issued by the Manager of the M.S College Higher Secondary School, she applied for the post of HSST(Jr.) and attended the interview for the post of HSST (Jr.) Malayalam. She contends that though the interview was conducted on 06.07.2022, no rank list has been published to date.

2. The petitioner asserts that she had appeared for the interview held for the very same post during the last academic year, and she was the only person who was found qualified, as is evident from Exhibit P3 ranked list. Though she had joined the duty, her appointment was terminated without disclosing any reason whatsoever. Being aggrieved, the petitioner is stated to have filed Exhibit P4 representation before the 2nd respondent. When no action was taken, she approached this Court and has preferred W.P.(C) No. 14246 of 2021.

3. It is contended that without considering Exhibit P4, respondents 3 and 4 are proceeding to appoint the 5th respondent, who is overaged and therefore not eligible to aspire for the post. In the said circumstances, the petitioner is stated to have approached the 2nd respondent and had filed Exhibit P5 representation seeking to interdict the 3rd respondent from

appointing the 5th respondent, which petition is pending consideration before the said respondent. While so, the 5th respondent claiming exemption from age restrictions approached the Government and thereafter approached this Court, and by Ext.P2 judgment, this Court had directed the Government to consider his request. The petitioner asserts that no orders have been issued. It is in the afore circumstances that the petitioner has approached this Court seeking directions.

4. The learned counsel who entered appearance for and on behalf of the 5th respondent submitted that pursuant to the directions issued by this Court, the Government considered the request of the 5th respondent and based on order No. N2/174-2022 dated 16.07.2022 exemption has been granted to the petitioner as well and an order dated 22.07.2022 has been issued.

5. I have considered the submissions advanced and have perused the records.

6. W.P.(C) No. 14246/2022 has been filed by Smt. Reshma S. contending that though she was included in Ext.P3 ranked list and was permitted to join duty, she was subsequently terminated. It is submitted by the learned counsel that the said writ petition has practically become infructuous. Insofar as W.P.(C) 28109/2022 is concerned, the only prayer is for a direction to the 3rd respondent to publish the ranked list in

pursuance to Ext.P1 and for a further direction to the 2nd respondent to consider and pass orders on Ext.P5 within a time frame.

7. I find that during the pendency of these writ petitions, orders have been issued granting exemption from the age limit restrictions to the 5th respondent. In that view of the matter, necessary directions can be issued to the 2nd respondent to consider Ext.P5 representation submitted by the petitioner and take a decision after considering the contentions of the 5th respondent as well.

8. Resultantly, these writ petitions are ordered as follows:

a) W.P.(C) No.14246/2022 is closed as the relief sought for has become infructuous.

b) W.P.(C) No.28109/2022 is disposed of, directing the 2nd respondent to consider Ext.P5 representation submitted by the petitioner and take a decision expeditiously within 8 weeks from the date of receipt of a copy of this judgment. Before passing orders, an opportunity of being heard shall be extended to the petitioner as well as the 5th respondent.

Sd/-

RAJA VIJAYARAGHAVAN V

JUDGE

TR

APPENDIX OF WP(C) 14246/2022

PETITIONER EXHIBITS

Exhibit P1	TRUE COPY OF THE RANK LIST PUBLISHED BY THE 3RD RESPONDENT DATED 18-11-2021
Exhibit P2	TRUE COPY OF THE REPRESENTATION PREFERRED BY THE PETITIONER BEFORE THE 1ST RESPONDENT 30-11-2021
Exhibit P3	TRUE COPY OF THE LAWYER NOTICE DATED 25- 1-2022 ISSUED TO THE 1ST RESPONDENT.
Exhibit P4	TRUE COPY OF THE LETTER ISSUED FROM THE OFFICE OF THE 1ST RESPONDENT DATED 15-2- 2022

APPENDIX OF WP(C) 28109/2022

PETITIONER EXHIBITS

Exhibit P1	TRUE COPY OF THE ADVERTISEMENT OF INTERVIEW PUBLISHED IN MATHRUBHUMI NEWSPAPER DATED 06.07.2022.
Exhibit P2	TRUE COPY OF THE JUDGMENT IN W.P (C) NO. 21798/2022.
Exhibit P3	TRUE COPY OF THE RANK LIST PUBLISHED BY THE 4TH RESPONDENT DATED 18.11.2021.
Exhibit P4	TRUE COPY OF THE REPRESENTATION PREFERRED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 30.11.2021.
Exhibit P5	TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 25.8.2022.