

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 17TH JULY 2009 / 26TH ASHADHA 1931

WP(C).No. 20110 of 2009(G)

PETITIONER:

K.K.ASHA, H.S.A.(SOCIAL SCIENCE)
C.V.M HIGH SCHOOL, VANDAZHI,
PALAKKAD DISTRICT.

BY MR.P.K.SURESH KUMAR, ADVOCATE.
MS.P.JAYALAKSHMI, ADVOCATE.

RESPONDENTS:

1. THE DISTRICT EDUCATIONAL OFFICER,
PALAKKAD.
2. THE MANAGER, C.V.M.HIGH SCHOOL,
VANDAZHY, PALAKKAD DISTRICT.

BY MR. A.J. VARGHESE, SR. GOVERNMENT PLEADER.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 17/07/2009, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

T.R. RAMACHANDRAN NAIR, J.

W.P.(C) No.20110 OF 2009

Dated this the 17th day of July, 2009.

J U D G M E N T

The petitioner is working as High School Assistant in the C.V.M. High School, Vandazhi in Palakkad District. She was originally appointed as U.P.S.A in the said school with effect from 01.01.1991 and was later promoted as H.S.A with effect from 19.02.1998.

2. The main relief sought for in the writ petition is for a direction to the 1st respondent to consider Exhibit P4 petition and to pass orders granting protection to the petitioner in the category of H.S.A. Exhibit P1 is the copy of the erratum order passed by the 1st respondent in regard to the staff fixation for the year 2008-2009. The petitioner was allowed by the staff fixation order to continue as H.S.A, but that was modified by Exhibit P1.

3. The petitioner relies upon Exhibit P3 order passed by the Deputy Director of Education, Thrissur by which the petitioner was granted protection on an earlier occasion and was deployed

to another school as H.S.A. Later, when enough number of posts arose in the parent school, the petitioner was brought back. It is pointed out that the benefit that was granted earlier cannot be denied now. It is in these circumstances the petitioner has approached the first respondent by filing Exhibit P4.

Since Exhibit P4 is pending before the 1st respondent, it is upto the 1st respondent to take a decision on Exhibit P4 in accordance with law. Therefore, there will be a direction to the 1st respondent to take a decision on Exhibit P4, after hearing the petitioner and the Manager, within a period of six weeks from the date of receipt of a copy of this judgment.

This writ petition is disposed of as above.

T.R. RAMACHANDRAN NAIR
JUDGE

smp