

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

MONDAY, THE 26TH DAY OF SEPTEMBER 2022 / 4TH ASWINA, 1944

WP(C) NO. 30451 OF 2022

PETITIONER:

GIRIJA K., W/O RAVEENDRAN A, AGED 49, HSST(MAL),
CVM HIGHER SECONDARY SCHOOL, VANDAZHI POST, PALAKKAD
DIST-678706, RESIDING AT 'VAISHNAVI', KATTUKODE,
VADAKKANCHERRY, PALAKKAD DIST-678683.

SRI.SAJAN VARGHEESE K.
SRI.JOPHY POTHEN KANDANKARY

RESPONDENTS:

- 1 STATE OF KERALA, REP.BY THE SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695001.
- 2 THE DIRECTOR OF GENERAL EDUCATION (HSE WING),
HOUSING BOARD BUILDING, SANTHI NAGAR,
THIRUVANANTHAPURAM-695001.
- 3 THE REGIONAL DEPUTY DIRECTOR OF HIGHER SECONDARY
EDUCATION, 2ND FLOOR, B2 BLOCK, CIVIL STATION ROAD,
UP HILL, MALAPURAM-676505.
- 4 THE MANAGER, CVM HIGHER SECONDARY SCHOOL
VANDAZHI POST, PALAKKAD DIST-678706.

SMT.NISHA BOSE-SR.GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
26.09.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Even though there are various assertions, allegations and averments made and urged in this writ petition, when this matter was called today, the learned counsel for the petitioner confined his plea that the first respondent be directed to take up Ext.P5 representation, pending before the Government, and to issue appropriate orders thereon, within a time frame to be fixed by this Court.

2. Smt.Nisha Bose - learned Senior Government Pleader, responded to the afore submissions of Sri.Sajan Vargheese - learned counsel for the petitioner, saying that if the petitioner only requires Ext.P5 to be taken up and disposed of by the first respondent, there does not appear to be any legal impediment in doing so; but prayed that this Court may not make any affirmative declarations as to the entitlement of the petitioner to any relief and leave it to the competent Authority to take a decision on it in terms of law.

3. In the afore circumstances, I order this writ petition and direct the first respondent to take up and dispose of Ext.P5, after affording an opportunity of being heard to the

petitioner, as also to the Manager of the school; thus culminating in an appropriate order thereon, as expeditiously as is possible, but not later than three months from the date of receipt of a copy of this judgment.

Needless to say, if the petitioner has any approved service, including in the post of UPSA, the competent Authority will be obliged to disburse the salary to her in such post, subject to the higher one being given to her, resultant to the decision to be taken in terms of the afore directions.

Sd/- DEVAN RAMACHANDRAN
JUDGE

stu

APPENDIX OF WP (C) 30451/2022

PETITIONER EXHIBITS

- Exhibit P1 TRUE COPY OF THE SUBMISSION DATED 06-09-2021 SUBMITTED BEFORE THE 3RD RESPONDENT BY THE 4TH RESPONDENT.
- Exhibit P2 TRUE COPY OF THE APPOINTMENT ORDER OF THE PETITIONER AS HSST (MAL) ISSUED BY THE 4TH RESPONDENT, DATED 15/7/22.
- Exhibit P3 TRUE COPY OF THE LETTER DATED 10-12-2002 ISSUED BY THE FIRST RESPONDENT TO THE 2ND RESPONDENT.
- Exhibit P4 TRUE COPY OF GO (RT) NO.4955/2021/GENEDN DATED 03-11-2021.
- Exhibit P5 TRUE COPY OF THE REPRESENTATION DATED 01-09-2022 SUBMITTED BEFORE THE FIRST RESPONDENT.