

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

MONDAY, THE 17<sup>TH</sup> DAY OF MARCH 2025 / 26TH PHALGUNA, 1946

WP(C) NO. 42747 OF 2023

PETITIONER:

SOORAJ M.  
AGED 31 YEARS, S/O P. V. PARAMESWARAN,  
HIGH SCHOOL TEACHER (PHYSICAL SCIENCE),  
SIVAPUARAM HIGHER SECONDARY SCHOOL,  
SIVAPURAM P. O., KANNUR DISTRICT-670702,  
RESIDING AT PUTHAN VEETIL HOUSE,  
VAYANORE P.O., PIN - 670650.

BY ADVS.  
T.T.MUHAMOOD  
A.RENJIT  
NAZEER HUZAIN.H  
GOKUL R.NAIR  
NIKHILA.P  
RIYA MERIN BENCYKUTTY

RESPONDENTS:

- 1 DISTRICT EDUCATIONAL OFFICER  
OFFICE OF THE DISTRICT EDUCATIONAL OFFICER,  
THALASSERY, KANNUR, PIN - 670104.
- 2 MANAGER  
SIVAPUARAM HIGHER SECONDARY SCHOOL,  
SIVAPURAM P. O., KANNUR, PIN - 670702.

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- 3      DHANYA V.  
         UPST, SIVAPUARAM HIGHER SECONDARY SCHOOL,  
         SIVAPURAM P. O., KANNUR, PIN - 670702.
- 4      ARCHANA P. V.  
         UPST, SIVAPUARAM HIGHER SECONDARY SCHOOL,  
         SIVAPURAM P. O., KANNUR, PIN - 670702.

BY ADVS.  
SRI.TONY AUGUSTINE, GOVERNMENT PLEADER  
SRI.K B ARUNKUMAR  
SMT.NISHA GEORGE  
SRI.GEORGE POONTHOTTAM (SR.)  
SRI.A.L.NAVANEETH KRISHNAN  
SMT.POOJA K.S.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD  
ON 17.03.2025, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:



## **J U D G M E N T**

Dated this the 17<sup>th</sup> day of March, 2025

The petitioner states that the petitioner was appointed as UPSA on 15.07.2021. The appointment of the petitioner was approved as per Ext.P5 order.

2. While so, two vacancies of HST arose, one on 01.05.2023 and another on 01.06.2023. The petitioner states that Smt.Archana was appointed as HST in the vacancy which arose on 01.05.2023 and the petitioner was appointed against the vacancy which arose on 01.06.2023. The petitioner was appointed against the vacancy which arose on 01.06.2023, on 14.06.2023. However, to the surprise and predicament of the petitioner, approval to the appointment has been declined as per Ext.P6 order.



3. In Ext.P6 order, the District Educational Officer has stated that approval cannot be granted at this stage since a writ petition filed by Smt.Dhanya is pending.

4. I have heard the learned Counsel for the petitioner, the learned Government Pleader representing the 1<sup>st</sup> respondent and the respective learned Counsel for respondents 2 and 3.

5. I find that the writ petition filed by Smt.Dhanya as W.P.(C) No.20658 of 2023 has been disposed of today with a direction to the Director of General Education to consider the appeal filed by Smt.Dhanya. Furthermore, I find that the prime claim of Smt.Dhanya is for appointment to the post of HST, which arose on 06.06.2019. The petitioner herein has been appointed to a subsequent vacancy which arose on 01.06.2023. Therefore, the pendency of the writ petition or the appeal filed by Smt.Dhanya need not be a hurdle for granting approval

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against the vacancies which arose subsequently.

In the facts of the case, the writ petition is disposed of directing the 1<sup>st</sup> respondent-District Educational Officer to reconsider the application for approval of the petitioner and take appropriate decision thereon within a period of one month.

Sd/-  
**N. NAGARESH**  
**JUDGE**

ams

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APPENDIX OF WP (C) 42747/2023

PETITIONER EXHIBITS

Exhibit P1	TRUE COPY OF THE B.SC DEGREE CERTIFICATE DATED 08-07-2015 AWARDED TO THIS RESPONDENT BY THE KANNUR UNIVERSITY
Exhibit P2	TRUE COPY OF THE B.ED DEGREE CERTIFICATE DATED 14-04-2018 AWARDED TO THIS RESPONDENT BY THE UNIVERSITY OF CALICUT
Exhibit P3	TRUE COPY OF THE K- TET (CATEGORY II) CERTIFICATE DATED 06-01-2018 ISSUED BY THE SECRETARY, BOARD OF EXAMINATIONS (K-TET), DEPARTMENT OF GENERAL EDUCATION, GOVERNMENT OF KERALA
Exhibit P4	TRUE COPY OF THE K-TET (CATEGORY-III) CERTIFICATE DATED 17-10-2020 ISSUED BY THE SECRETARY, BOARD OF EXAMINATIONS (K-TET), DEPARTMENT OF GENERAL EDUCATION, GOVERNMENT OF KERALA
Exhibit P5	TRUE COPY OF THE ORDER NO. B1/27245/2021 DATED 20-09-2021, APPROVING THE APPOINTMENT OF THE PETITIONER AS UPST W.E.F 15-07-2021
Exhibit P6	TRUE COPY OF THE ORDER NO. B1/49337/2023 DATED 23-10-2023 ISSUED BY THE 1ST RESPONDENT