
(2010) 09 KL CK 0211

High Court Of Kerala

Case No: Writ Petition (C) No. 27419 of 2010 (B)

Sreekala P.D. Sanskrit
Teacher

APPELLANT

Vs

The State of Kerala,
The Director of Public
Instruction, The Deputy
Director of Education
and The Assistant
Educational Officer

RESPONDENT

Date of Decision: Sept. 3, 2010

Hon'ble Judges: K.T. Sankaran, J

Bench: Single Bench

Advocate: R.K. Muraleedharan, for the Appellant; No Appearance, for the Respondent

Judgement

K.T. Sankaran, J.

The case of the petitioner is the following: She was appointed as Sanskrit Teacher (full time) in Mannathkavu U.P. School in a retirement vacancy of one C. Janaki with effect from 2.6.2004 onwards. As per Ext.P1 order dated 19.8.2004, the Assistant Educational Officer approved the appointment of the petitioner. It is stated that the post of Sanskrit Teacher was allowed as full time by conversion of Group C subjects for the last several years. With effect from 31.3.2008, the full time post of Drawing Teacher was abolished. The periods of physical education were distributed to Sanskrit and from 2008-09 onwards the periods of drawing were also distributed.

2. In 2008-09, the full time post of Sanskrit Teacher was converted into part time post as per Ext.P2 Staff Fixation Order. The Manager filed appeal before the Deputy Director of Education against Ext.P2 order. The Deputy Director of Education passed Ext.P3 order dated 3.3.2009 dismissing the appeal. The Manager filed a Revision before the second respondent, Director of Public Instructions. The Director of Public Instructions passed Ext.P6 order dated 11.3.2010 dismissing the Revision. The petitioner filed Ext.P7

Revision before the Government challenging Ext.P6 order. Ext.P7 Revision is pending disposal.

3. The reliefs prayed for in the Writ Petition are the following:

(a) Issue a writ of certiorari or any other appropriate writ order or direction quashing Ext.P2 staff fixation order dated 27.3.2008 of Mannathkavu UP School and Ext.P3 and Ext.P6 orders of the 3rd & 2nd respondent respectively to the extent of converting the Sanskrit post as part time for the academic year 2008-09; and

(b) Issue a writ of mandamus or any other appropriate writ order or direction directing the 4th respondent to continue to treat the post of Sanskrit in Mannathkavu UP School as full time by diversion of group "C" subjects for the period from 15.7.2008 to 15.7.2009 and disburse all the benefits to the petitioner for the period from 15.7.08 to 15.7.09 as full time Sanskrit teacher including increment; or in the alternative;

(c) Issue a writ of mandamus or any other appropriate writ order or direction directing the 1st respondent to consider and pass orders on Ext.P6 revision petition dated 19.6.2010 taking into account G.O. (MS) No. 43/78/G.Edn.dated 13.4.1978 and Ext.P4 G.O.(MS) No. 371/2000/G.Edn. dated 13.11.2000 pending before the 1st respondent within a time frame to be fixed by this Hon"ble Court;

(d) Issue such other orders as this Hon"ble Court may deem fit to grant.

4. The learned Counsel for the petitioner submitted that, for the time being, the petitioner confines the relief to relief (c). It is submitted that the two Government Orders mentioned in relief (c) are in favour of the contention put forward by the petitioner.

5. In the facts and circumstances of the case, the first respondent shall consider and dispose of Ext.P7 Revision within a period of two months from the date of receipt of a copy of the judgment, after affording an opportunity of being heard to the petitioner, the Manager and any other affected party. The petitioner shall produce a copy of the Writ Petition and certified copy of the judgment before the first respondent.

The Writ Petition is disposed of as above.