

**(2011) 07 KL CK 0117**

**High Court Of Kerala**

**Case No:** Writ Petition (C) No. 19229 of 2011 (C)

K. Ajitha

APPELLANT

Vs

The District Educational Officer,  
The Manager and Smt. Lalzini

RESPONDENT

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**Date of Decision:** July 21, 2011

**Hon'ble Judges:** T.R. Ramachandran Nair, J

**Bench:** Single Bench

**Advocate:** M.R. Anison, for the Appellant; No Appearance, for the Respondent

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### **Judgement**

T.R. Ramachandran Nair, J.

The Petitioner is working as Upper Primary School Assistant in the A.M.T.T.I, Vilabhagom managed by the 2nd Respondent. The main prayer in the writ petition is for a direction to the District Educational Officer to direct the Manager to grant promotion to the Petitioner in the post of Training School Assistant (Mathematics).

2. The Petitioner is working as UPSA on regular basis from 07.06.2000. The said appointment has been approved and she is having the qualification of M. Sc. and B. Ed in Mathematics. The 3rd Respondent is a Natural Science Graduate working as UPSA. A vacancy of Headmaster arose on 31.03.2011 and the senior-most qualified hand Smt. Leena was promoted in terms of the directions issued in Ext.P3. Now a consequential vacancy (Mathematics) has arisen and it is submitted that the Petitioner is the senior-most qualified claimant under Rule 43 of Chapter XIV-A of Kerala Education Rules. But, the Manager filled up the said vacancy by appointing the 3rd Respondent who is only a Graduate in Natural Science.

3. It is the case of the Petitioner that even before the grant of promotion, the Petitioner had approached the 2nd Respondent by filing a representation as per Ext.P5 and a copy of the same was furnished to the District Educational Officer. Ext.P6 is a further representation submitted by the Petitioner in the matter.

4. Learned Government Pleader on getting instructions submitted that Ext.P6 representation has been received in the office of the District Educational Officer on 18.07.2011.

In the light of the above, there will be a direction to the District Educational Officer to take a decision on Ext.P6, after hearing the Petitioner and the Respondents 2 and 3, before any approval is granted and final orders will be passed within a period of one month from the date of receipt of a copy of this judgment.

The Petitioner will forward a copy of this judgment along with a copy of the writ petition for compliance.

This writ petition is disposed of as above.