

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT

THE HONOURABLE MR.JUSTICE GOPINATH.P.

WEDNESDAY, THE 13TH DAY OF MAY, 2020/23RD VAISAKHA, 1942

W.P(C) NO.9905 OF 2020

PETITIONER:

ANTONY THOMAS, KANNAMPALLI HOUSE,
CHIRATAMALA, PALACHODU P.O.,
KULATHUR VIA, MALAPPURAM - 679 338.

BY ADV. PHILIP J. VETTICKATTU

RESPONDENTS

- 1) THE DISTRICT EDUCATIONAL OFFICER, MANNARKKAD, PALAKKAD,
IN THE CAPACITY OF THE MANAGER, KTM HIGH SCHOOL,
MANNARKKAD, PALAKKAD - 678 582.
- 2) THE DISTRICT EDUCATIONAL OFFICER, MANNARKKAD, PALAKKAD -
678 582.
- 3) KTM HIGH SCHOOL, MANNARKKAD, PALAKKAD - 678 582,
REPRESENTED BY ITS HEAD MASTER
- 4) THE DEPUTY DIRECTOR OF EDUCATION, DEPUTY DIRECTORATE OF
EDUCATION, CIVIL STATION, PALAKKAD - 1.
- 5) THE STATE OF KERALA, REPRESENTED BY ITS SECRETARY,
GENERAL EDUCATION DEPARTMENT, SECRETARIAT, TRIVANDRUM -
695001.

R1-2 & 4-5 BY SMT.B.VINITHA GOVERNMENT PLEADER
R3 BY

THIS WRIT PETITION HAVING COME UP FOR ADMISSION ON
13.05.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J U D G M E N T

The petitioner is a claimant for appointment under Rule 51A of Chapter 14A of the Kerala Education Rules. The appointment is claimed in respect of an aided school namely the KTM High School, Mannarkad. It is submitted that owing to a management dispute, the District Education Officer, Mannarkad is acting as the Manager of the School. The petitioner submits that a retirement vacancy is to arise on 31.05.2020 and that he is eligible to be considered for appointment against that vacancy.

The learned Government Pleader submits that action can be taken to fill up the vacancy only after the vacancy has arisen. In such circumstances, I deem it appropriate to dispose of this WP(c), directing the 1st respondent to consider the claim of the petitioner for appointment under Rule 51A of chapter 14A of the Kerala Education Rules, in accordance with law and to issue appointment orders to the petitioner, if he is found entitled and eligible for appointment. I make it clear that if the petitioner's

claim is found to be in accordance with law, his appointment shall also be approved without any further delay.

The writ petition is disposed of as above.

NSD

**GOPINATH.P
JUDGE**

APPENDIX

PETITIONERS EXTS.

EXT.P1: TRUE COPY OF ORDER DATED 14-12-1993
APPOINTING THE PETITIONER AS TEMPORARY TEACHER

EXT.P2: TRUE COPY OF ORDER DATED 6-6-1994
APPOINTING THE PETITIONER AS TEMPORARY TEACHER

EXT.P3: TRUE COPY OF ORDER DATED 20-9-2000
APPOINTING THE PETITIONER AS TEMPORARY TEACHER

EXT.P4: TRUE COPY OF RELEVANT PAGES OF ORDER
NO.2630/2018/GEN.EDN., DATED 13-7-2018

EXT.P5: TRUE COPY OF LETTER DT.17-2-2020 ISSUED BY
THE DISTRICT EDUCATIONAL OFFICER, MANNARKKAD TO THE
PETITIONER

EXT.P6: TRUE COPY OF REPRESENTATION SUBMITTED BY
THE PETITIONER BEFORE THE DISTRICT EDUCATIONAL OFFICER