

ITEM NO.16

COURT NO.4

SECTION XIA

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).14134/2011

(From the judgement and order dated 23/03/2011 in WPC No. 8851/2009 of The HIGH COURT OF KERALA AT ERNAKULAM)

MANAGER, S.K.V.U.P. SCHOOL

Petitioner(s)

VERSUS

C.S.SREEKUMARI & ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T. and with prayer for interim relief)

WITH SLP(C) NO. 14176 of 2011

(With appln.(s) for exemption from filing c/c of the impugned judgment and exemption from filing O.T. and with prayer for interim relief and office report)

Date: 16/05/2011 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD

(VACATION BENCH)

For Petitioner(s)
In SLP(C)No.14176/
2011

Mr.V.Shekhar, Sr.Adv.
Mr.S.Ganesh, Adv.
Mr.Vinamra Srivastava, Adv.

In SLP(C)No.14134/
2011

Mr.M.P.Sreekumar, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
O R D E R

These petitions are directed against order dated 23.03.2011 passed by the learned Single Judge of the Kerala High Court who allowed the writ petition filed by respondent No.1 and directed the management of S.K.V.U.P.School to appoint her as Headmistress with effect from 01.06.2006.

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We have heard Shri V.Shekhar, learned senior counsel appearing for the petitioner and carefully perused the record.

Although, respondent No.1 was not only eligible but was more qualified than O.Santhamma (respondent No.6 in SLP(C)No.14134 of 2011 and petitioner in SLP(C) No.14176 of 2011), the management of the School appointed the latter as Headmistress.

The Assistant

Educational Officer did not approve action of the management but

the District Educational Officer and the State Government did so.

The writ petition filed by respondent No.1 was allowed by the learned Single Judge, who referred to the judgments of the Division Bench of the Kerala High Court in Prasad vs. Philipose Mar Dilshus U.P.School, (2005) 3 KLT 487 and of the Full Bench of the same High Court in Pushparaj vs. Manoharan, (2006) 2 KLT 951 and held that respondent No.1 had preferential right to be appointed as Headmistress. He, accordingly, directed the Management of the School to appoint respondent No.1 as Headmistress w.e.f. 1.6.2006.

In our opinion, the direction given for appointment of respondent No.1 as Headmistress is based on correct interpretation of Rule 45 of Chapter XIV-A of the Kerala Education Rules.

Therefore, the special leave petitions are dismissed.

Ordinarily, we would have saddled the petitioner in first petition with exemplary cost but keeping in view of the fact that it would put an unnecessary burden on the educational institution, we refrain from doing so.

The management of the school is directed to implement the High Court's order within a period of two weeks from today.

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The Registry is directed to send a copy of this order to respondent No.1 at the address given in the special leave petition.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master