

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN

THURSDAY, THE 23RD DAY OF JULY 2015/1ST SRAVANA, 1937

Con.Case (C) .No. 955 of 2015 (S)

AGAINST THE ORDER/JUDGMENT IN WP(C) 14908/2014 of HIGH COURT OF KERALA
DATED

PETITIONER/4TH RESPONDENT:

REV.M.MOHANAN AGED 46 YEARS
S/O.MANUEL, MANAGER
CORPORATE MANAGEMENT OF LUTHERAN SCHOOLS
THIRUVANANTHAPURAM 695 005.

BY ADVS.SRI.V.A.MUHAMMED
SRI.V.RAJASEKHARAN NAIR

RESPONDENT/2ND PETITIONER

REV.C.H.ALFRED (FATHER'S NAME AND
AGE NOT KNOWN TO THE PETITIONER)
PASTOR, LUTHERAN CHURCH, KARODE
VILAPPILSALA ROAD, THIRUVANANTHAPURAM 695 573.

R BY SRI.T.R.RAVI

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR
ADMISSION ON 23-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

Con.Case(C) .No. 955 of 2015 (S)

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE I CERTIFIED COPY OF THE JUDGMENT IN W.P. (C) .
 NO.14908/2014-K DATED 15.07.2014.

ANNEXURE II TRUE COPY OF THE REPORT SUBMITTED BY THE ADVOCATE
 COMMISSIONER IN W.P. (C) NO.14908/2014 EXCLUDING THE
 ANNEXURES.

ANNEXURE III TRUE COPY OF THE ORDER No.ET(4)/40606/14/K.DIS. DATED
 29.08.2014 OF THE DIRECTOR.

ANNEXURE IV TRUE COPY OF THE LETTER OF THE RESPONDENT DATED
 08.05.2015.

RESPONDENT'S ANNEXURES: NIL.

TRUE COPY

P.A. TO JUDGE.

kp/-

P.N.RAVINDRAN , J.

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Contempt Case (C) No.955 of 2015

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Dated this the 23rd day of July, 2015

JUDGMENT

This contempt case is filed alleging that the respondent herein has wilfully disobeyed Annexure I judgment delivered by this Court on 15.07.2014 in W.P.(C).No.14908 of 2014. The petitioner has averred that though pursuant to the directions therein in the elections held by the Advocate Commissioner appointed by this court he was elected as Manager and his appointment as Manager has been approved by the Director of Public Instruction by Annexure III order dated 29.08.2014, the respondent has in Annexure IV letter dated 08.05.2015 sent by him to the Director of Public Instruction and Director of Higher Secondary Education with copies to Deputy Directors of Education, District Educational Officers/Assistant Educational Officers, Principal of all schools under Lutheran Management and to Teacher-in-charge of LML Primary School, Thumarichal claimed that he is the Manager of schools under the Lutheran Management. The petitioner has averred that the said act of the respondent amounts to civil contempt of this court.

2. In my opinion, the instant contempt case is misconceived and without any merit. None of the directions issued by this court have

admittedly been violated by the respondent. The judgment of this court was complied with when Annexure III order dated 29.08.2014 was issued by the Director of Public Instruction approving the petitioner as the Manager. If the respondent who is a rival claimant asserts that he is the Manager or prevents the petitioner from functioning as the Manager of the schools under the Lutheran Management, his remedy in my opinion lies elsewhere. The conduct of the respondent in claiming that he is the Manager of the schools under the Lutheran Management does not in my opinion constitute civil contempt of this court. The petitioner has no case that the respondent has breached any undertaking given by him to this court. He has also no case that any direction issued by this court stands in the way of the respondent from claiming himself to be the Manager.

I therefore find no good grounds to entertain the contempt case. It fails and is accordingly dismissed.

**P.N.RAVINDRAN
JUDGE**