

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

MONDAY, THE 16TH DAY OF NOVEMBER 2015/25TH KARTHIKA, 1937

Con.Case(C).No. 1700 of 2015 (S)

(AGAINST THE JUDGMENT IN WA.NO. 1634/2009 DATED 28-07-2009)

PETITIONER/3RD PARTY:

**BITHRA P.L, AGED 36 YEARS, W/O.LAIJUMON,
PRESENTLY WORKING AS NON VOCATIONAL TEACHER
(JUNIOR) (ENGLISH) IN GOVT. VOCATIONAL HIGHER
SECONDARY SCHOOL,
NERIAMANGALAM, ERNAKULAM DISTRICT.**

BY ADV. SRI.V.SETHUNATH

RESPONDENTS/RESPONDENT 1 AND 2 IN WA :

- 1. V.SENTHIL I.A.S.,
(AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER),
ADDL.CHIEF SECRETARY & PRINCIPAL SECRETARY TO GENERAL
EDUCATION (SPECIAL CELL) DEPARTMENT,
GOVT. SECRETARIAT, THIRUVANANTHAPURAM, PIN-695 001.**
- 2. K.P.NOUFAL,
(AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER),
DIRECTOR OF VOCATIONAL HIGHER SECONDARY EDUCATION,
VOCATIONAL HIGHER SECONDARY DIRECTORATE,
THIRUVANNATHAPURAM, PIN-695 001.**

BY SPL.GOVERNMENT PLEADER SMT. GIRIJA GOPAL

**THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR
ADMISSION ON 16-11-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

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APPENDIX

PETITIONER'S ANNEXURES:

- | | |
|----------------|--|
| ANNEX 1 | CERTIFIED COPY OF THE JUDGMENT IN WP(C).NO.9780/2008 DATED 2/7/2009 |
| ANNEX 2 | CERTIFIED COPY OF THE JUDGMENT IN W.A.NO.1634/2009 DATED 28/7/2009 |
| ANNEX 3 | COPY OF THE LIST OF PROVISIONAL APPOINTEES WHO WERE GOING TO BE REGULARIZED AS NON VOCATIONAL TEACHERS (ENGLISH) DATED 19/8/2015 |
| ANNEX 4 | COPY OF THE RELEVANT EXTRACT OF THE SPECIAL RULES SHOWING THE PRESCRIBED QUALIFICATION DATED 12/3/2004. |
| ANNEX 5 | COPY OF THE RELEVANT EXTRACT OF THE FILE NOTE SHOWING THE PROCESS OF REGULARIZATION OF MINISTERIAL STAFF BY THE GOVT OF KER DATED 28/9/2015 |
| ANNEX 6 | COPY OF THE NOTICES SENT TO THE RESPONDENTS ALONG WITH POSTAL RECEIPTS DATED 15/10/2015 |
| ANNEX 7 | COPY OF THE ACKNOWLEDGMENT CARD SIGNED BY THE 1ST AND 2ND RESPONDENT DATED 19/10/2015. |

RESPONDENT'S ANNEXURES: NIL

/TRUE COPY/

P.A.TO JUDGE

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**ASHOK BHUSHAN, C.J &
A.M. SHAFFIQUE, J.**

Cont. Case (C) No.1700 of 2015

Dated this the 16th day of November 2015

J U D G M E N T

Shaffique, J.

The petitioner, a 3rd party has approached this Court alleging willful contempt. It is stated that though in the judgment dated 28.7.2009 in W.A.No.1634 of 2009, the appellants' right to claim regularisation of their service had been rejected, the Government is taking steps to regularise their service.

2. Apparently, the petitioner has not ventilated any grievance that she was affected by the said appointment, if any. That apart, since the issue projected by the petitioner is a subsequent cause of action after the judgment, it is for the aggrieved parties to challenge the same in appropriate proceedings. As the Government has taken a policy decision in the matter, we do not think that it amounts to any willful contempt.

Accordingly, this Contempt Case is closed.

**Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE**

**Sd/-
A.M. SHAFFIQUE
JUDGE**