

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 12TH DAY OF FEBRUARY 2015/23RD MAGHA, 1936

Con.Case(C).No. 1468 of 2013

AGAINST THE JUDGMENT DATED 07-06-2013 IN WP(C) 13947/2006
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PETITIONER(S)/1ST PETITIONER:

**MANAGER, K.M.KRISHNAN, AGED 71 YEARS,
M.A.M.U.P.SCHOOL,THAVANOOR, S/O.CHATHU ALIAS KUTTY,
MALAPPURAM DISTRICT - 679 573.**

**BY ADVS.SRI.M.R.ANISON
SMT.K.P.GEETHA MANI
SMT.P.A.RINUSA**

RESPONDENT(S)/1ST RESPONDENT:

**SMT. K.N. SUJATHA,
FATHER'S NAME NOT KNOWN TO THE PETITIONER,
AGE NOT KNOWN TO THE PETITIONER,
DEPUTY SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**

BY GOVERNMENT PLEADER SRI.M.A.FAYAZ

**THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY
HEARD ON 12-02-2015 ALONG WITH COC. NO. 220/2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

Con.Case(C).No. 1468 of 2013

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE A1: A TRUE COPY OF THE JUDGMENT DTD.7.6.2013 IN
WP(C) NO.13947/2006 OF THIS HON'BLE COURT.**

ANNEXURE A2: A TRUE COPY OF G.O. (RT) NO.4638/2013/G.EDN. DTD.1.11.2013.

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.MUHAMMED MUSTAQUE, J.

Contempt Case (C) Nos. 1468/2013 & 220/2015

Dated this the 12th day of February, 2015

JUDGMENT

These Contempt Case No.1468/2013 arises from the judgment of this Court in W.P.(C) No.13947/2014. After entering into certain finding of fact in the writ petition in regard to the date of appointment, this Court directed the Government to take a decision in the matter. The contrary to the directions of this Court, Annexure-A2 Government Order was passed. Accordingly, the Contempt Case No.1468/2013 was initiated by the writ petitioner.

2. Pending the Contempt Case, a fresh order has been passed. That order is dated 21.1.2015. Thereafter, the Government in compliance with the judgment ordered to approve the appointment with effect from the date on which this Court directed to make appointment. However, a fresh

Contempt Case has been filed as Contempt Case No.220/2015 stating that in the subsequent order, certain observation is made, which is contrary to the finding made by this Court. In paragraph-5 of the Government Order dated 21.1.2015, produced as Annexure-A3 in Contempt Case No.220/2015 reads as follows:

“According to the Hon'ble High Court since the vacancy is from 1.5.2003 Smt.Ramani should be appointed in that post. But from the Government's view point is the other way ie., there was an irregular appointment so the period cannot be taken into account.”

Therefore, it is submitted that above observation is nothing but a contempt and the action is warranted against the respondent.

3. The order referred as above only refers to the Government's stand and the finding made by the High Court. Though, there is no reason to reiterate the Government's stand,

which was repelled by this Court and the Government was directed to take a decision in the matter, nevertheless, that was only referred in the order to understand the Government's case and that cannot be termed as any decision contrary to the directions of this Court. The judgment has been complied after accepting this Court directions. I do not find that it will amount any contempt to violate the directions of this Court.

Accordingly, these Contempt cases are closed recording the compliance of the directions. If the petitioner has any grievance against the decision in Annexure-A3 Government Order, the petitioner is free to approach this Court challenging the same in an appropriate manner.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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