

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 11TH DAY OF AUGUST 2015/20TH SRAVANA, 1937

RP.No. 490 of 2012 () IN WP(C).9385/2012

IN WP(C) 9385/2012 of HIGH COURT OF KERALA

REVIEW PETITIONER(S)/PETITIONERS/ADDL.RESPONDENTS 2 TO 5 IN THE WPC:

- 1. JOSEPH JACOB
(PROPOSED MANAGER)S/O.LATE C.M.JACOB
CHIRAMMEL HOUSE, S.V.COLONY, KOZHIKODE-673006
KOZHIKODE DIST**
- 2. M.M.FRANCIS,
S/O.LATE, MATHEW M.P., SECRETARY
ST.FRANCIS READING ASSOCIATION, MATTOM
TRICHUR (DIST)MULAKKAL HOUSE, P.O.NAMBAZHICKAD, MATTOM
TRICHUR(DIST)680-602**
- 3. M.T.GEORGE
S/O.LATE THOMAS, MALLIYAMAVU HOUSE, MATTOM P.O.
TRISSUR DIST-680602**
- 4. E.K.THOMAS
S/O.LATE , KURIAKOSE, EDAKALATHOORE HOUSE
MATTOM P.O., THRISSUR DIST-680602**

**Addl. 5. THOMAS M.G
S/O.M.T.GEORGE, MALIANMAVU HOUSE
P.O.MATTOM ALOOR VILLAGE, MATTOM DESOM
THALAPPILLY TALUK, THRISSUR (DT.)
ADDL.5TH PETITIONER IS IMPEADED AS PER ORDER DATED 07.07.2015
IN IA 312/14.**

BY ADV. SRI.PHILIP ANTONY CHACKO

RESPONDENT(S):

- 1. ST.FRANCIS READING ASSOCIATION
CORPORATE EDUCATION AGENCY, MATTOM P.O.
THRISSUR DIST-680602, REP.BY ITS SECRETARY M.I., ANTO**

2. THE VICAR
ST.THOMAS FORANE CHURCH , MATTOM CORPORATE MANAGER
ST.FRANCIS READING ASSOCIATION CORPORATE EDUCATION AGENCY
MATTOM P.O., THRISSUR DIST-680602
3. THE DIRECTOR OF PUBLIC INSTRUCTION
TRIVANDRUM-695001
4. M.K.VARGHESE,
S/O.KOCHAPPAN, MUALKKAL HOUSE, CHELUR
THRISSUR DIST-PIN-680602
5. PEEYUS T.L
S/O.T.C.LONAPPAN, KOONAMUCHI P.O., 680504
6. E.A.JOSE
S/O.E.TAIPUNNY, EMATTY HOSUE, P.O.MUTTOM
THRISSUR DIST-680602
7. C.A.THOMAS
S/O.C.T.ANTONY, CHIRAMMEL HOUSE P.O.MATTOM
THRISSUR DIST PIN-680602
8. C.E.SIMON
S/O.CHAKKUNNY, CHAKKRAMAKIL HOUSE, P.O.
MATTOM, THRISSUR DIST-680602
9. C.S.THOMAS
S/O.C.T.SIMON, CHITTALAPPILLY HOUSE, P.O.MATTOM
THRISSUR DIST-680602
10. K.O.THOMAS,
S/O.K.T.OUSEPH, KAKKASSERY HOUSE, CONVENT ROAD
P.O.MATTOM, THRISSUR DIST-680602
11. JOHNSON KAKKASSERY,
S/O.K.O.IYYUNNY, KAKKASSERY HOUSE, CONVENT ROAD
P.O.MATTOM, THRISSUR DIST-680602
12. T.D.GEORGE
S/O.T.T.DEVASSERY, THALAKKOTTUR HOUSE P.O., VAKKA
P.O.MATTOM, THRISSUR DIST-680602
13. K.P.THOMAS
S/O.K.U.PETER, KAJIAMAKAYIL HOUSE, P.O.MATTOM
THRISSUR-680602
14. C.T.DEVASSY
S/O.C.C.THOMAS, CHIRAMMEL HOUSE, P.O.NAMBAZHICKAD
MATTOM, THRISSUR DIST-680602

15. K.R.LONAKKUTTY, S/O.RAPPAI KUTTOR
KUTTOOR HOUSE P.O., MATTOM, THRISSUR 680602
16. K.M.ANTONY,
S/O.MATHEW, KAKKASSERY HOUSE, P.O.VAKKA
THRISSUR DIST-680602
17. C.J.JOHN
S/O.JOSEPH CHOVALLOOR , CHOVALLOOR HOUSE, P.O.MATTOM
THRISSUR DIST-680602

Addl.18. C.M.NICHOLAS
S/O.MATHU, MEMBER ST.FRANCIS READING ASSOCIATION
MATMOM, RESIDING AT CHIRAMAL HOUSE, NAMBAZHICKAD PO.
(VIA) MATMOM, TRICHUR (DT.)AMSOM & DESOM
KANDANASSERY VILLAGE, THALAPILLY TALUK
THRISSUR (DT.).

Addl.19. K.M.JOSEPH
S/O.MATHU, MEMBER, ST.FRANCIS READING ASSOCIATION
MATMOM, RESIDING AT KATTOOKKARAN HOUSE, MATMOM PO.
THRISSUR (DT.)NAMBAZHICKAD AMSOM & DESOM
KANDANASSERY VILLAGE, THALAPILLY TALUK
THRISSUR (DT.).

Addl.20. THOMAS T.M
S/O.T.T MATHAPPAN, RESIDING AT THANIKKAL HOUSE
P.O.ALOOR (VIA) KECHERY MATMOM TRICHUR (DT)

Addl.21. BIJULAL JAMES
S/O JAMES, MEMBER OF ST.FRANCIS READING ASSOCIATION
MATMOM, WITH PERMANENT ADDRESSES PULIKKOOTIL HOUSE
P.O.CHOONDAL, PARANNORE, TRICHUR(DT) KERALA.

Addl.22. CHAKKUNNI K.J ALIAS JOMON
S/O.JOSEPH, MEMBER, ST. FRANCIS READING ASSOCIATION
MATMOM, RESIDING AT KAKKASSERI HOUSE
MISSION QUARTERS, THRISSUR(DT.) AMSOM & DESOM
TRICHUR CORPORATION, THALAPPILLY TALUK, THRISSUR (DT.)

Addl.23. M.O.LOUIS
S/O.M.THOMAS OUSEPH, MEMBER
ST.FRANCIS READING ASSOCIATION, MATMOM
RESIDING AT MULAKKAL HOUSE, EDAKKALATHOOR PO.
TRICHUR (DT.) AMSOM & DESOM, THOLOORE VILLAGE
THALAPPILLY TALUK, THRISSUR (DT.)

Addl.24. K.L.CHAKKORU
S/O.LONA, MEMBER, ST.FRANCIS READING ASSOCIATION
MATMOM, RESIDING AT KAKKASSERI HOUSE, MATMOM PO.
THRISSUR (DT.) AMSOM & DESOM, ALLOORE VILLAGE
THALAPILLY TALUK, THRISSUR (DT.)

ADDL.R18 TO R24 ARE IMPEADED AS PER ORDER DATED 08.06.2015 IN IA 285/12.[AS PER ORDER DATED 12.06.2012, ORDER DATED 08.06.2012 IN IA 285/12 HAS BEEN RECALLED AND ADDL.R18 TO R24 ARE REMOVED FROM THE PARTY ARRAY]

**R1-R2 BY ADV. SRI.DEEPU THANKAN
R3 BY GOVERNMENT PLEADER SRI.A.MOHAMMED SAVAD
R4-R17 BY ADV. SRI.K.JAJU BABU
R4-R17 BY ADV. SMT.M.U.VIJAYALAKSHMI
R18 BY ADV. SRI.P.M.SEBASTIAN**

**THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 11-08-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' ANNEXURE :

- ANNEXURE-R-2-A** **THE TRUE COPY OF THE MINUTES OF THE MEETING DATED 1.2.2004 SIGNED BY 13 MEMBERS OUT OF THE 15 MEMBERS OF THE ASSOCIATION.**
- ANNEXURE-R-2-B** **THE TRUE COPY OF THE MINUTES OF THE MEETING DATED 3.12.2004 SIGNED BY 11 MEMBERS OF THE ASSOCIATION.**
- ANNEXURE-R-2-C** **THE TRUE COPY OF THE MINUTES OF THE MEETING DATED 13.3.2006 SIGNED BY 13 MEMBERS OUT OF THE 15 MEMBERS OF THE ASSOCIATION.**
- ANNEXURE-R-2-D** **THE TRUE COPY OF THE MINUTES OF THE MEETING DATED 18.3.2007 SIGNED BY 11 MEMBERS OUT OF THE 15 MEMBERS OF THE ASSOCIATION.**
- ANNEXURE-R-2-E** **THE TRUE COPY OF THE MINUTES OF THE MEETING DATED 5.10.2008 SIGNED BY 10 MEMBERS OUT OF THE 15 MEMBERS OF THE ASSOCIATION.**
- ANNEXURE-R-2-F** **THE TRUE COPY OF THE MINUTES OF THE MEETING DATED 16.9.2009 SIGNED BY 10 MEMBERS OUT OF THE 15 MEMBERS OF THE ASSOCIATION.**
- ANNEXURE-R-2-G** **THE TRUE COPY OF THE MINUTES OF THE MEETING DATED 21.2.2010 SIGNED BY 10 MEMBERS OUT OF THE 15 MEMBERS OF THE ASSOCIATION.**
- ANNEXURE-R-2-H** **THE TRUE COPY OF THE JUDGMENT DATED 9.4.2012 IN W.A.NO.731 OF 2012.**
- ANNEXURE-R-2-I** **TRUE COPY OF THE ORDER DATED 20.9.2010 IN I.A.NO.8485 OF 2010 IN OS NO.1300/2010**
- ANNEXURE-R-2-J** **TRUE COPY OF THE ORDER DATED 4.10.2010 IN I.A.NO.8485 OF 2010 IN OS NO.1300/201 BY THE SUB COURT, THRISSUR.**
- ANNEXURE-R-2-K** **THE TRUE COPY OF APPLICATION IA.NO.3164/2012 IN O.S.NO.1300/2010 DATED 21.3.2012 ALONG WITH THE AFFIDAVIT DATED 20TH MARCH 2012 FILED ALONG WITH THAT I.A. FOR INJUNCTION.**

- ANNEXURE-R-2-L** **THE TRUE COPY OF THE CERTIFICATE DATED 29.9.2998 WITH THE MEMORANDUM OF ASSOCIATION OF THE ST.FRANCIS READING ASSOCIATION, MATTOM REGISTERED.**
- ANNEXURE-R-2-M** **THE TRUE COPY OF MINUTES OF THE MEETING DATED 16.9.1998 SIGNED BY 13 MEMBERS OF THE ASSOCIATION (1) P.C.JOSE (2) K.J.JOSE, (3) C.M.JACOB, (4) K.M.JOSEPH, (5) M.T.GEORGE, (6) M.O.LUIZ, (7) M.M.FRANCIS, (8) T.T.MATHAPPAN, (9)M.K.VARGHESE, (10) C.F.DAVIS, (11) C.M.NICOLAS, (12) M.I.ANTO AND (13) CHAKKUNNY J.KAKKASSEY OUT OF THE 15 MEMBERS OF THE ASSOCIATION.**
- ANNEXURE-R-2-M** **THE TRUE COPY OF MINUTES OF THE MEETING DATED 27.9.1998 SIGNED BY 11 MEMBERS OUT OF THE 15 MEMBERS OF THE ASSOCIATION.**

RESPONDENT(S)' ANNEXURE :

NIL

/TRUE COPY/

PA TO JUDGE

VS

T.R.RAMACHANDRAN NAIR, J.

**Review Petition.No.490 of 2012
in W.P.(C).No.9385 of 2012**

Dated this the 11th day of August, 2015

JUDGMENT

This review petition is filed seeking a review on the judgment in W.P.(C).No.9385/2012. There is a direction was issued by this Court in paragraph 7 of the judgment whereby the Director of Public Instruction was directed to take a decision on Ext.P8, after hearing the petitioners, additional respondents and any other interested parties.

2. Sri.Philip Antony Chacko, the learned counsel for the review petitioners submitted that much prejudice will caused to the petitioners, if the said judgment is not recalled. The learned counsel for the writ petitioners submitted that the writ petitioner is withdrawing the writ petitioners itself. Therefore, the review petition is allowed and the judgment is recalled.

W.P.(C).No.9385/2012

The learned counsel for the writ petitioners submitted that the writ petition may be permitted to be withdrawn. Accordingly, the same is dismissed as withdrawn.

Sd/-
T.R.RAMACHANDRAN NAIR,
JUDGE

VS