

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MR.JUSTICE K.HARILAL

MONDAY, THE 19TH DAY OF JANUARY 2015/29TH POUSHA, 1936

OP(KAT).No. 16 of 2015 (Z)

AGAINST THE ORDER/JUDGMENT IN OA 1965/2014 of KERALA
ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM DATED 20.10.2014

PETITIONER(S)/APPLICANT :

C.H.GEORGE, AGED 56 YEARS
S/O. HABEL, UPPER PRIMARY SCHOOL ASSISTANT (RETIRED)
GOVERNMENT U.P.SCHOOL, AROOR, KOOTHATTUKULAM
P.O.KARIMPARA-686 662
ERNAKULAM DISTRICT. (RESIDING AT CHELAPUZHAYIL
P.O.PANDAPPILLY, MUVATTUPUZHA
ERNAKULAM DISTRICT-686 672).

BY ADVS.SRI.V.A.MUHAMMED
SRI.M.SAJJAD

RESPONDENT(S)/RESPONDENTS :

1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO GOVERNMENT
GENERAL EDUCATION DEPARTMENT,
GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM-695 001.
2. THE DIRECTOR OF PUBLIC INSTRUCTION
JAGATHY, THIRUVANANTHAPURAM-695014.
3. THE DEPUTY DIRECTOR OF EDUCATION
ERNAKULAM AT KAKKANAD-682 030.
4. SMT. G.SANTHAKUMARI
P.D.TEACHER, GOVERNMENT U.P.SCHOOL,
KOOTHATTUKULAM, ERNAKULAM DISTRICT-686 662.

BY SRI.T.RAMPRASAD UNNI, SR. GOVERNMENT PLEADER

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING COME UP
FOR ADMISSION ON 19-01-2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

OP (KAT) .No. 16 of 2015 (Z)

APPENDIX

PETITIONER(S) ' EXHIBITS

P1 : COPY OF THE ORDER IN OA NO.1965/2014 DTD.20.10.2014 OF
THE KERALA ADMINISTRATIVE TRIBUNAL.

P2 : COPY OF THE ORIGINAL APPLICATION ALONG WITH ANNEXURES.

RESPONDENT(S) ' EXHIBITS

NIL

//TRUE COPY//

PA TO JUDGE.

THOTTATHIL B.RADHAKRISHNAN &
K.HARILAL, JJ.

.....
OP(KAT) No.16 of 2015
.....

Dated this the 19th day of January, 2015.

J U D G M E N T

Thottathil B.Radhakrishnan, J.

- 1.We have heard the learned counsel for the petitioner. This petition is under Article 227 of the Constitution of India.

- 2.Petitioner retired as a P.D.Teacher on 31.03.2014. He challenges a decision taken on a representation submitted by him on 30.06.2013, i.e., before retirement. The plea is that there were erroneous inclusions while Kuttampuzha Grama Panchayat, which was earlier part of Idukki District, was later merged with Ernakulam District on 01.01.1997. It appears that the petitioner became vigilant of the situation only when the question of appointment of Headmaster became relevant for him. However, the learned Tribunal has taken the view that the seniority list of Ernakulam District was prepared assigning the date of advice in 1997 and the other teachers were promoted based on seniority

assigned to them. Such situation relating to seniority cannot be impeached by the collateral attack in 2013. This is the view taken by the Tribunal while refusing to entertain the application of the petitioner before us. The Tribunal was of the view that the private respondent in the original application before it was entitled to sit back and the challenge raised by the applicant, at that point of time, is belated and barred by limitation. We do not find any error of jurisdiction or illegality in the decision of the Tribunal, warranting visitation by us in exercise of authority under Article 227 of the Constitution of India. This original petition, therefore, fails.

In the result, this original petition is dismissed in limine.

(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

(K.HARILAL, JUDGE)