

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC
&
THE HONOURABLE MR. JUSTICE ANIL K. NARENDRA

FRIDAY, THE 24TH DAY OF JULY 2015/2ND SRAVANA, 1937

RP.No. 151 of 2015 () IN WA.190/2014

AGAINST THE JUDGMENT IN WA 190/2014 of HIGH COURT OF KERALA
DATED 10.12.2014
(AGAINST JUDGMENT IN WPC.38082/10 DATED 15.11.2013)

REVIEW PETITIONER(S)/APPELLANTS:

1. T. V. PAULOSE
THOTTAPPILLIL HOUSE, NEAR TV.J.M.H.S. CHELAD P.O.
KOTHAMANGALAM 686 681
2. E.K. KRISHNAN
EDAYAL SADANAM, KOLLAPPADY P.O., KOTHAMANGALAM 686692

BY ADV. SRI.T.P.DEYANANTHAN

RESPONDENT(S)/RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT
HIGHER EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM 695001.
2. THE DIRECTOR OF COLLEGIATE EDUCATION,
VIKAS BHAVAN, THIRUVANANTHAPURAM 695033
3. MAR ATHANESIOUS COLLEGE
KOTHAMANGALAM, REPRESENTED BY THE SECRETARY
MAR ATHANESIOUS COLLEGE ASSOCIATION
KOTHAMANGALAM 686681

R3 BY SRI.GEORGE JACOB (JOSE)
R1, R2 BY SR GOVERNMENT PLEADER SRI ALOYSIUS THOMAS

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 24-07-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

APPENDIX IN RP.151/15

PETITIONER'S EXHIBITS:

ANNEXURE A: TRUE COPY OF THE JOINT REPRESENTATION DATED 30.12.2005.

ANNEXURE B: TRUE COPY OF THE LETTER E-IV-842/09 DATED 9.10.2009.

/TRUE COPY/

PS TO JUDGE

ANTONY DOMINIC & ANIL K. NARENDRAN, JJ.

R.P.No.151 of 2015
in W.A.No.190 of 2014

Dated this the 24th day of July, 2015

O R D E R

Antony Dominic, J.

This review petition is filed by the appellants in W.A.190/14, seeking review of the judgment dated 10.12.2014 dismissing the appeal. The reason stated for dismissing the appeal is mainly that the challenge was delayed. It is contended that this finding in the judgment is erroneous in as much as the appellant had submitted Annexure A representation and the Principal had, by Annexure B, resubmitted the promotion proposal of the appellants. In our view, even if Annexure A is accepted to have been submitted by the appellants, it being a non statutory representation, that will not save the appellants from the rule of delay and laches.

Counsel then placed reliance on the judgment of the Apex Court in State of Uttar Pradesh v. Arvind Kumar Srivastava [(2015) 1 SCC 347] and contended that having regard to the provisions of the M.G.University statutes, appellants are entitled to the benefit prayed for. First of all, this judgment

cannot now be relied on by the appellants to contend that the judgment under appeal contained an error requiring its review. Even apart from this, in the above judgment, what is explained is the concept of judgment in rem and judgment in personam. The Apex Court has also held that in a case where by rendering a judgment in rem the principle of law has been declared, benefit thereof is liable to be extended to all similarly situated persons and that delay cannot be a reason to deny such benefit. In so far as this case is concerned, relying on those principles, counsel is claiming relief on the basis of the provisions of the M.G. University statutes framed under the M.G. University Act. In our view, to sustain such a claim, the principles laid down by the Apex Court in the judgment referred to above cannot be pressed into service.

We do not find any reason to entertain this review petition. It is dismissed.

Sd/-
ANTONY DOMINIC, Judge.

Sd/-
ANIL K. NARENDHAN, Judge.

k kb.