

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 10TH DAY OF JUNE 2015/20TH JYASHTA, 1937

R.P.No.489 of 2015

AGAINST THE JUDGMENT DATED 21-05-2015 IN WP(C) 28827/2013.

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REVIEW PETITIONER/PETITIONER:

**BEENA SHANKAR,
HIGHER SECONDARY SCHOOL TEACHER IN ENGLISH,
NSS HIGHER SECONDARY SCHOOL,PANAVALLY,
ALAPPUZHA DISTRICT.**

BY ADV.SRI.GEORGE POONTHOTTAM

RESPONDENT'S/RESPONDENTS:

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF GENERAL EDUCATION,
GOVERNMENT SECRETARIAT,THIRUVANANTHAPURAM-695 001.**
- 2. THE DIRECTOR OF HIGHER SECONDARY EDUCATION,
THIRUVANANTHAPURAM-695 001.**
- 3. P.M.THOMAS,ADDITIONAL SECRETARY TO GOVERNMENT,
DEPARTMENT OF GENERAL EDUCATION,
GOVERNMENT SECRETARIAT,THIRUVANANTHAPURAM-695 001.**
- 4. BALAMONY.R,PRINCIPAL,
NSS HIGHER SECONDARY SCHOOL,
MUNDATHICODE,THRISSUR.**
- 5. SASIKALA.S,PRINCIPAL,
NSS HIGHER SECONDARY SCHOOL,
ALAKODE,KANNUR.**
- 6. RADHAKRISHNAN NAIR.M,PRINCIPAL,
NSS HIGHER SECONDARY SCHOOL,
AKATHETHARA,PALAKKAD.**
- 7. RENU.S,PRINCIPAL,
NSS HIGHER SECONDARY SCHOOL,
KARUKACHAL,KOTTAYAM.**
- 8. SUVARNAKUMARI.P.S,PRINCIPAL,
NSS HIGHER SECONDARY SCHOOL,
THADIYOOR,PATHANAMTHITTA.**

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9. THE GENERAL MANAGER AND INSPECTOR OF N.S.S.SCHOOLS,
PERUNNAI.P.O,CHANGANACHERRY.

R1 & R2 BY GOVT. PLEADER SMT.K.A.SANJEETHA.
R4-R8 BY ADV.SRI.C.UNNIKRISHNAN (KOLLAM)
R9 BY ADVS.SRI.P.GOPAL
SRI.B.MURALEEDHARAN

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION
ON 10.06.2015 THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

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A.V.RAMAKRISHNA PILLAI, J.

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R.P No.489 of 2015

in

W.P(C) No.28827 of 2013

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Dated this the 10th day of June, 2015

ORDER

This review petition was necessitated on account of some factual errors in the judgment of this Court dated 21st May, 2015.

2. During the course of hearing of the writ petition, it was submitted by the learned counsel for additional respondents 4 to 8 that the respondents 4 to 8 were seniors to the petitioner going by the dates of his admission. However, this submission was withdrawn then and there when the learned counsel for the petitioner as well as the learned counsel for the 9th respondent pointed out the correct facts and figures. However, by mistake, in paragraph (13) of the judgment, it is stated that the submission was made by the learned counsel for the additional 9th respondent. There is an omission also

to state that the submission has been withdrawn by the learned counsel for respondents 4 to 8.

3. Moreover, the submission by the learned counsel for the petitioner that additional respondents 4 to 8 had failed in challenging the promotion at the proper time was also omitted to be stated in the said paragraph. Therefore, paragraph (13) of the judgment requires a modification. In addition to that, a clerical mistake has crept at the opening sentence of paragraph (17). Instead of Ext.P3 is it stated as Rule 3.

In the result,

(a)The review petition is allowed.

(b)Paragraph (3) shall stand modified as under:

The learned counsel for respondents 4 to 8 would submit that respondents 4 to 8 were seniors to the petitioner going by the dates of appointment. However, when the correct facts and figures were pointed out by the learned counsel for the

petitioner and the learned counsel for the 9th respondent, the said submission was withdrawn. The learned counsel for the petitioner added that respondents 4 to 8 have not challenged the promotion in time.

(c)The word and number 'Rule 3' in the opening sentence of paragraph (17) shall stand substituted by 'Ext.P3'.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

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