

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 2ND DAY OF DECEMBER 2015/11TH AGRAHAYANA, 1937

RP.No. 523 of 2015 ()

AGAINST THE JUDGMENT IN WP(C) 16395/2015 DATED 02-06-2015

REVIEW PETITIONER/5TH RESPONDENT :

**SHEENA CLEETUS P., AGED 45 YEARS
W/O.TOMY P.T., RESIDING AT AZHIKODE, KONDUGALLUR
THRISSUR - 680666
EARLIER WORKING AS LOWER PRIMARY SCHOOL ASSISTANT
ST. ALBANA'S L.P. SCHOOL, KARA KODUNGALLUR
THRISSUR DISTRICT
NOW WORKING AS UPPER PRIMARY SCHOOL ASSISTANT
ST. JOSEPH'S HIGH SCHOOL, CHATHEDOM
NORTH PARAVOOR, ERNAKULAM.**

BY ADV. SRI.P.B.AJOY

RESPONDENTS/PETITIONER/RESPONDENTS 1 TO 4 :

- 1. K.J.SHINE, AGED 44 YEARS
W/O.DINUS THOMAS, UPPER PRIMARY SCHOOL ASSISTANT
ST. JOSEPH HIGH SCHOOL, CHATHEDOM, NORTH PARAVOOR
ERNAKULAM.**
- 2. STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO GOVERNMENT
GENERAL EDUCATION DEPARTMENT, SECRETARIAT
THIRUVNANTHAPURAM – 695001.**
- 3. THE DIRECTOR OF PUBLIC INSTRUCTIONS
JAGATHI, THIRUVANANTHAPURAM – 683101.**
- 4. THE DISTRICT EDUCATIONAL OFFICER
ALUVA, ERNAKULAM DISTRICT – 683101.**
- 5. THE CORPORATE MANAGER
CORPORATE EDUCATIONAL AGENCY, DIOCESE OF KOTTAPURAM
KOTTAPURAM P.O., KODUNGALLOOR, THRISSUR DISTRICT – 680667.**

R1 BY ADV. SRI.V.A.MUHAMMED

R2 TO R4 BY GOVT. PLEADER SRI. R. RANJITH

**THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 02-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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...2/-

RP.No. 523 of 2015 ()

APPENDIX

PETITIONERS' ANNEXURES :

**ANNEXURE A : CERTIFIED COPY OF THE JUDGMENT DATED 2.6.2015 IN
WP(C) NO. 16395/2015.**

**ANNEXURE B TRUE COPY OF THE JOINING DUTY CERTIFICATE DATED
1.6.2015.**

**ANNEXURE C TRUE COPY OF THE RELEVANT PAGES OF THE SERVICE
BOOK OF THE PETITIONER.**

RESPONDENT'S ANNEXURES : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

A.K.JAYASANKARAN NAMBIAR, J.

R.P.NOS.523 & 528 OF 2015

IN

W.P.(C).NO.16395 OF 2015

Dated this the 2nd day of December, 2015

O R D E R

Both these review petitions have been filed against the judgment dated 2.6.2015 in W.P.(C).No.16395/2015. The review petitioner in R.P.No.523 of 2015 is the 5th respondent in the writ petition and the review petitioner in R.P.No.528/2015 is the 4th respondent Manager. By the judgment referred above, W.P.(C).No.16395/2015 was disposed directing the Director of Public Instructions to consider and pass orders on Ext.P3 appeal that had been preferred by the writ petitioner within a period of one month from the date of receipt of a copy of the judgment, after hearing the petitioner and other affected parties. It was made clear in the said judgment that, till such time as orders were passed by the Director of Public Instructions, as directed, and communicated to the writ petitioner, the operation of Ext.P2 order dated 27.5.2015 of the Manager, transferring the petitioner from the School, would be kept in abeyance. It was made clear in the judgment that it was the

operation of the transfer order, insofar as it related to the petitioner alone, that was to be kept in abeyance. The review petitioners in both these review petitions state that, by virtue of the direction in the judgment to the effect that the order of transfer insofar as it relates to the petitioner would be kept in abeyance, a confusion has arisen with the educational authorities, in that, a query has been raised as to whether, during the period for which the transfer order was to be kept in abeyance in relation to the petitioner, the petitioner could be seen as a person who continued as a teacher in the School in question. The clarification is stated to be required since, on 1.6.2015, the petitioner in R.P.No.523/2015 had joined the School in question pursuant to the transfer order that was impugned in the writ petition. Annexure B joining certificate dated 1.6.2015 is produced by the review petitioner to substantiate the said fact. The review petitioner in R.P.No.528/2015, who is the manager of the Corporate Educational Agency, also confirms that, as indicated in the joining certificate dated 1.6.2015, the review petitioner in R.P.No.523/2015 had joined the School in question. Taking note of the said certificate, I am of the view that the above review petitions can be disposed by clarifying that the direction in the judgment dated 2.6.2015 in W.P.(C).

No.16395/2015, which kept in abeyance the operation of the transfer order insofar as it related to the petitioner, should not be seen as indicating that the petitioner was actually discharging duty as a teacher in the said School against the sanctioned post. The joining certificate dated 1.6.2015 which indicates that the review petitioner in R.P.No.523/2015 had joined duty with effect from that date shall also be taken note of by the educational authorities while considering the issue consequent to the orders of the Director of Public Instructions, which has since been passed pursuant to the judgment referred above.

The review petitions are thus disposed with the said clarification.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp/2/12/15