

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 23RD DAY OF JUNE 2015/2ND ASHADHA, 1937

RP.No. 542 of 2015 (B) IN WP(C).16020/2015

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AGAINST THE JUDGMENT IN WP(C) 16020/2015 of HIGH COURT OF KERALA DATED
29-05-2015**

REVIEW PETITIONER(S):

**DR. N.C.UNNIKRISHNAN, S/O. G. CHELLAPPAN NAIR
TRAINING SCHOOL ASSISTANT (MALAYALAM) TD
TEACHERS' TRAINING INSTITUTE, MATTANCHERRY,
KOCHI - 682 002 (NEDUMPARAMBATH HOUSE,
THEKKUMBHAGOM, TRIPUNITHURA - 682 301)**

BY ADV. SRI.S.SUBHASH CHAND

RESPONDENT(S):

- 1. THE STATE OF KERALA, REPRESENTED BY THE
SECRETARY TO GOVERNMENT, DEPARTMENT OF
GENERAL EDUCATION, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM - 695 001**
- 2. THE DIRECTOR OF PUBLIC INSTRUCTIONS, OFFICE OF THE
DIRECTOR OF PUBLIC INSTRUCTIONS, JAGATHY
THIRUVANANTHAPURAM - 695 014**
- 3. THE DEPUTY DIRECTOR (EDUCATION), OFFICE OF THE
DEPUTY DIRECTOR OF EDUCATION
ERNAKULAM - 682 030**
- 4. THE DISTRICT EDUCATIONAL OFFICER, OFFICE OF THE
DISTRICT EDUCATIONAL OFFICER, ERNAKULAM - 682 011**
- 5. THE CORPORATE MANAGER, THIRUMALA DEVASWOM
CORPORATE EDUCATION AGENCY, MATTANCHERRY
KOCHI - 682 002**
- 6. P.B. RAJALAKSHMI, W/O. DR. H. RAVIKUMAR, KAMMATH
HEAD MISTRESS (UNAPPROVED), TD TEACHER'S TRAINING
INSTITUTE, MATTANCHERRY, KOCHI - 682 002**

**R BY GOVERNMENT PLEADER, SMT,. M.J. RAJASREE
R BY SRI.V.A.MUHAMMED**

**THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON
23-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS:-

ANNEXURE 1 TRUE COPY OF THE NOTIFICATION DATED 13.05.2009 AND APPENDIX 2 ANNEXED TO THE SAID NOTIFICATION WHICH IS THE NATIONAL COUNCIL FOR TEACHER EDUCATION (RECOGNITION NORMS AND PROCEDURE) (SECOND AMENDMENT) REGULATIONS, 2009.

ANNEXURE 2 TRUE COPY OF THE JUDGMENT DATED 21.05.2009 PASSED BY THIS HON'BLE COURT IN OP No.16111 OF 1999.

ANNEXURE 3 TRUE COPY OF THE JUDGMENT DATED 24.06.2009 PASSED BY THIS HON'BLE COURT IN WA No.1315 OF 2009

ANNEXURE 4 TRUE COPY OF THE CIRCULAR DATED 19.02.2009 ISSUED BY RESPONDENT NO.2

ANNEXURE 5 TRUE COPY OF THE REPRESENTATION DATED 26.03.2015 SUBMITTED BY THE PETITIONER BEFORE RESPONDENT No.3

ANNEXURE 6 TRUE COPY OF THE PERSONAL HEARING NOTICE ISSUED TO THE PETITIONER BY RESPONDENT NO.3

ANNEXURE 7 TRUE COPY OF THE ORDER DATED 10.06.2015 PASSED BY THE RESPONDENT NO.4.

ANNEXURE 8 TRUE COPY OF THE REPRESENTATION DATED 16.06.2015 SUBMITTED BY HIM BEFORE RESPONDENT NO.5

ANNEXURE 9 TRUE COPY OF THE SAID GOVERNMENT ORDER DATED 13.08.2014 PASSED BY RESPONDENT NO.1

ANNEXURE 10 TRUE COPY OF THE REPRESENTATION DATED 06.06.2015 SUBMITTED BY THE PETITIONER BEFORE RESPONDENT NO.1.

RESPONDENT'S EXHIBITS

NIL

// True copy //

PA to Judge

das

A.K.JAYASANKARAN NAMBIAR, J.

R.P. No. 542 of 2015

IN

W.P.(C). No. 16020 of 2015

Dated this the 23rd day of June, 2015

ORDER

The petitioner in the review petition is the 6th respondent in the writ petition that was disposed by judgment dated 29.05.2015. By the said judgment, this Court had disposed the writ petition with a direction to the 1st respondent to consider and pass orders on Ext.P6 revision, that was preferred by the writ petitioner, after hearing the writ petitioner, within a period of one month from the date of receipt of a copy of that judgment. It was also made clear that till such time as orders are passed by the 1st respondent, as directed in the judgment, and communicated to the writ petitioner, the writ petitioner would be permitted to continue as the Head Mistress in the School. The review petition has been filed by the 6th respondent in the writ petition, stating that, inasmuch as he has objections to the grant of approval to the appointment of the writ petitioner as the Head Mistress of the School, it is only appropriate that while passing orders on Ext.P6 revision petition preferred by the writ petitioner, the review petitioner also be heard by the 1st respondent. He would point out that he has already preferred Annexure 10 objection before the 1st respondent and hence, the 1st respondent should be directed to consider the said objections and

hear the review petitioner, while complying with the directions issued in the judgment referred to above.

2. I have heard Sri.Subhash Chand, the learned counsel appearing for the review petitioner as also the learned Government Pleader for the respondents.

3. On a consideration of the facts and circumstances of the case and the submissions made across the bar, I find that, inasmuch as there is an inter se dispute between the writ petitioner and the review petitioner, it is only appropriate that the 1st respondent consider the objections of the review petitioner also, while passing orders on the revision petition filed by the writ petitioner. I note that by the judgment dated 29.05.2015, I directed the 1st respondent to dispose the revision petition preferred by the writ petitioner within a period of one month from the date of receipt of a copy of that judgment. Inasmuch as in the said judgment, I did not direct the 1st respondent to consider the objections of the review petitioner, as also hear the review petitioner, prior to passing the orders in the revision petition of the writ petitioner, I am of the view that the judgment under review needs to be modified so as to protect the interest of the review

petitioner as well. Accordingly, I modify the directions in the judgment dated 29.05.2015 to read as follows:

“On a consideration of the facts and circumstances of the case and the submissions made across the bar, I dispose the writ petition with a direction to the 1st respondent to consider and pass orders on Ext.P6 revision petition, after hearing the petitioner, 5th respondent Manager and the 6th respondent (review petitioner) on or before 31.07.2015. The 1st respondent while passing orders as directed, shall consider Annexure 10 objection preferred by the review petitioner (6th respondent in the writ petition) and the order to be passed by the 1st respondent shall reflect a consideration of the contentions of the writ petitioner, and the review petitioner, as urged before the 1st respondent. I also make it clear that, till such time as orders are passed by the 1st respondent, as directed above, and communicated to the writ petitioner and the review petitioner, the writ petitioner will be permitted to continue as Head Mistress in the School, subject to the orders to be passed by the 1st respondent as directed, in this judgment.”

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE