

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ANTONY DOMINIC
&
THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

THURSDAY, THE 8TH DAY OF OCTOBER 2015/16TH ASWINA, 1937

RP.No. 572 of 2015 IN WA.238/2015

AGAINST THE JUDGMENT IN WA 238/2015 of HIGH COURT OF KERALA DATED 05-06-2015

REVIEW PETITIONER:

ROSHAN THOMAS, U.P.S.A.
S.H.H.S., MYLAPRA,
PATHANAMTHITTA
RESIDING AT KUTHEANETHU HOUSE
PAYYANAMON P.O.
KONNY.

BY ADV. SRI.MVS.NAMBOOTHIRY

RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY
GENERAL EDUCATION DEPARTMENT
KERALA GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM 695 001.
2. DIRECTOR OF PUBLIC INSTRUCTIONS
JAGATHY, THIRUVANANTHAPURAM - 695 001.
3. DEPUTY DIRECTOR OF EDUCATION,
PATHANAMTHIRRA AT THIRUVALL 689 101.
4. DISTRICT EDUCATIONAL OFFICER
PATHANAMTHIRRA 689 645
5. ASSISTANT EDUCATIONAL OFFICER
PATHANAMTHITTA 689 645
6. MANAGER, M.S.C. SCHOOLS
PATHANAMTHIRRA 689 645

R6 BY ADV. SRI.KURIAN GEORGE KANNANTHANAM (SR.)
R6 BY ADV. SRI.TONY GEORGE KANNANTHANAM
SR. GOVERNMENT PLEADER SRI.P.FAZIL

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 08-10-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:

ANTONY DOMINIC & SHAJI P.CHALY, JJ.

**R.P.No.572 of 2015 in
W.ANo.238 of 2015**

Dated this the 8th day of October, 2015

ORDER

Antony Dominic, J.

Heard the counsel for the petitioner, learned Government Pleader appearing for respondents 1 to 5 and the learned Senior Counsel appearing for the fourth respondent.

2. The review petitioner filed the writ appeal challenging the judgment in W.A.238/2015 which was dismissed by the judgment of which the review is now sought. Reading of the judgment shows that the dismissal was basically on the ground that Ext.P2 Government Order was not challenged by the review petitioner. It is now pointed out that though the Government Order was not under challenge in the writ petition, Ext.P2 Government Order has already been set aside by this Court in various writ petitions including Writ Petition No.20107/13 by judgment

dated 15.1.2015. Therefore, the fact that Ext.P2 Government Order was not challenged by the review petitioner was inconsequential.

3. We are, therefore, satisfied that the judgment is vitiated by the aforesaid error. Judgment dated 5th June, 2015 dismissing Writ Appeal No.238/15 is reviewed and recalled.

Review Petition is allowed accordingly. Post the appeal for hearing.

Sd/-
ANTONY DOMINIC
JUDGE

Sd/-
SHAJI P. CHALY
JUDGE

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