

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 2ND DAY OF SEPTEMBER 2015/11TH BHADRA, 1937

RP.NO. 719 OF 2015 (D) IN WP(C).17634/2015

AGAINST THE ORDER/JUDGMENT IN WP(C) 17634/2015 OF HIGH COURT OF KERALA
DATED 02-07-2015

REVIEW PETITIONER(S)/3RD RESPONDENT IN WPC:

REV.M.MOHANAN
PASTOR, BETHEL LUTHERAN CHURCH, CHENKAVILA
AYIRA POST
THIRUVANANTHAPURAM WORKING AS MANAGER
CORPORATE MANAGEMENT OF LUTHERAN SCHOOLS
CLHSS COMPOUND, PEROORKADA, THIRUVANANTHAPURAM.

BY ADVS.SRI.D.KISHORE
SMT.MINI GOPINATH

RESPONDENT(S)/PETITIONER AND RESPONDENTS 1 AND 2 IN WPC:

1. REV.C.H.ALFRED, AGED 52 YEARS
S/O. Y.HARIS, PASTOR, CLHSS COMPOUND
PEROORKADA, PEROORKADA P.O
THIRUVANANTHAPURAM - 695 005.

2. STATE OF KERALA
REPRESENTED BY ITS SECRETARY
GENERAL EDUCATION (S) DEPARTMENT
GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM - 695 001.

3. THE DIRECTOR OF PUBLIC INSTRUCTIONS
THIRUVANANTHAPURAM-695 001

R BY GOVERNMENT PLEADER
R BY SRI.C.P.PEETHAMBARAN

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 02-09-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

A.K.JAYASANKARAN NAMBIAR, J.
.....
Review Petition No.719 of 2015
in
W.P.(C).No.17634 of 2015
.....
Dated this the 2nd day of September, 2015

ORDER

This is a petition seeking review of the judgment dated 02.07.2015 in W.P.(C).No.17634 of 2015. By the said judgment, this Court had directed the 2nd respondent to consider and pass orders on Ext.P3 application dated 05.05.2015 submitted by the Indian Evangelical Lutheran Church to the 2nd respondent, within a period of three weeks from the date of receipt of a copy of this judgment after hearing the educational agency, the petitioner and 3rd respondent in the writ petition. The review petition is filed by the 3rd respondent in the writ petition stating that there were various documents, including judgments of this Court, which clearly revealed that the appointment of the 3rd respondent as the Manager of the Lutheran School had already been approved by the 2nd respondent. It is submitted that, these facts were not brought to the notice of this Court in the writ petition, and if the said facts were brought to the notice of this Court, this Court would not have passed the judgment dated 02.07.2015. Counsel for the writ petitioner would, however, clarify that, by a separate proceedings dated 05.05.2015, the writ petitioner had been

appointed as the Manager of the Lutheran School and it was in the light of the said subsequent event that the educational agency had preferred Ext.P3 application which was directed to be considered by the 2nd respondent by the judgment dated 02.07.2015.

2. On a consideration of the facts and circumstances of the case and the submissions made across the bar, I find that in the judgment dated 02.07.2015, I had also directed the 2nd respondent to hear the 3rd respondent in the writ petition (the review petitioner herein) before passing final orders in the matter. The review petitioner can therefore place before the 2nd respondent, the material that he has produced in the review petition to contend that he is the Manager of the Lutheran School as duly appointed by the educational agency. The 2nd respondent while passing orders pursuant to the judgment dated 02.07.2015 shall take note of the said contentions of the 3rd respondent also. Further, taking note of the submission of counsel for the review petitioner that the 2nd respondent has conducted a hearing on 20.08.2015 but has not passed any orders till date, which fact is also confirmed by the learned Government Pleader, I direct the 2nd respondent to give the writ petitioner, as also the review petitioner, one more opportunity of hearing and pass orders pursuant to the

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judgment dated 02.07.2015 within a period of one month from today.

The Review Petition is disposed accordingly.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns