

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 11TH DAY OF NOVEMBER 2015/20TH KARTHIKA, 1937

R.PNo. 957 of 2015 IN WA.1637/2015

AGAINST THE JUDGMENT IN WA 1637/2015 of HIGH COURT OF KERALA DATED 05-08-2015

REVIEW PETITIONERS/APPELLANTS:

1. COCHIN DEVASWOM BOARD
THRISSUR, REPRESENTED BY ITS SECRETARY
THRISSUR-680 001.
2. SREE KERALA VARMA COLLEGE
KANATTUKARA.P.O., THRISSUR-680 011
REPRESENTED BY ITS PRINCIPAL.

BY ADV. DR.GEORGE ABRAHAM

RESPONDENTS/RESPONDENTS:

1. SUNILKUMAR P
ARACKAL PARAMBIL HOUSE, EDAVETTY.P.O., THODUPUZHA
IDUKKI DISTRICT, PIN-685 588.
2. CALICUT UNIVERSITY
REPRESENTED BY ITS REGISTRAR, THENHIPALAM
CALICUT UNIVERSITY.P.O., MALAPPURAM DISTRICT
PIN-673 635.

R BY SRI.SANTHOSH MATHEW,SC, CALICUTY UNIVERSITY
R BY SMT.M.U.VIJAYALAKSHMI

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 11-11-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.P.No. 957 of 2015 IN WA1637/2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A: TRUE COPY OF THE ORDER IN SPECIAL LEAVE TO APPEAL
NO.23677/15 DATED 28.8.2015.

// TRUE COPY //

P.A.TO JUDGE

ANTONY DOMINIC & SHAJI P.CHALY, JJ.

R.P.No.957 of 2015 in W.A.1637 of 2015

Dated this the 11th day of November, 2015

ORDER

Antony Dominic, J.

This review petition is filed seeking review of the judgment in Writ Appeal No.1637/15. The said appeal was filed against the order passed by the learned Single Judge in I.A.No.7608/15 in W.P(C)No.15588/15. By the said order, the learned Single Judge had directed that the first respondent be appointed as Assistant Professor (Zoology) in the second appellant college of the first appellant. In the appeal, the contention raised was that the first respondent was not included in the rank list and, therefore, the order passed by the learned Single Judge was illegal. However, when the files were produced by the second respondent, it was found that the assertion made by the first respondent that he was included at Sl.No.4 in the rank list was found to be correct. On that basis, this Court held that the facts disclosed by the appellant were not fully correct and declined to entertain the appeal. It would appear that S.L.P.No.23677/15 was filed by the appellants and that the same was disposed of by the Apex Court as per

Annexure A order. Before the Apex Court, the petitioners seem to have contended that paragraph 5 of the judgment in the writ appeal where the ranking of the first respondent has been noticed by this court, contained an error. Taking note of that submission, the Apex Court give liberty to the petitioners to seek review before this Court. It is accordingly, the review petition has been filed.

2. We heard the counsel for the petitioners, Senior Counsel for the first respondent and the Standing Counsel appearing for the second respondent University.

3. The contention now raised by the learned counsel for the review petitioner is that the rank list in which the first respondent's name was included had expired on 29.5.2015 and that the vacancy in question arose thereafter. Therefore, the order could not have been passed by the learned Single Judge. In our view, this is a contention raised for the first time and even if there is any merit in this contention, it is for the appellant to urge the same and seek variation of the order passed by the learned Single Judge, against which the writ appeal was

filed. Therefore, in the absence of any error in the judgment of this Court, we decline to entertain this review petition and leave it open to the appellant to such relief, as is permissible in law.

Review petition is dismissed accordingly.

Sd/-
ANTONY DOMINIC
JUDGE

Sd/-
SHAJI P. CHALY
JUDGE

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