

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 9TH DAY OF NOVEMBER 2015/18TH KARTHIKA, 1937

RP.No. 960 of 2015 ()

AGAINST THE JUDGMENT IN WP(C).NO.30805/2013 DATED 13/03/2015.
.....

REVIEW PETITIONERS/RESPONDENTS 1 & 2 IN WP(C).:

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
FINANCE DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM- 695 001.**
- 2. THE REGIONAL DIRECTOR OF HIGHER SECONDARY EDUCATION,
ERNAKULAM, EDAPPALLY -682 024.**

BY SPL. GOVT. PLEADER SRI.P.V.LONACHAN.

RESPONDENT/PETITIONER IN WP(C).:

**RENNY GEORGE,
NOW WORKING AS HSST MATHEMATICS,
ST. GEORGE H.S.S., MUTHALAKODAM,
THODUPUZZHA.**

BY ADV. SRI.PAULSON THOMAS.

**THIS REVIEW PETITION HAVING COME UP FOR ADMISSION
ON 09-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S ANNEXURES:-

- | | |
|---------------------|---|
| ANNEXURE I | COPY OF THE LETTER DATED 20/04/2013 RECEIVED BY THE OFFICE OF THE 2ND RESPONDENT FROM THE AUTHORITY CONCERNED. |
| ANNEXURE II | COPY OF THE GOVERNMENT CIRCULAR NO.46/90/FIN DATED 22/06/1990. |
| ANNEXURE III | COPY OF THE GO.O.(P) NO.206/03/FIN. DATED 05/04/2003. |

RESPONDENT'S ANNEXURES:- **NIL.**

//TRUE COPY//

P.S. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

R.P. No. 960 of 2015
in
W.P.(C).No. 30805 of 2013

Dated this the 9th day of November, 2015

O R D E R

The State has come up with the review. In judgment, this Court found that the writ petitioner has exercised re-option within three months from the date of orders of sanctioning promotion. It is pointed out by the Government Pleader that the re-option exercised by the petitioner was received in the office only by 2.5.2013 as per Ext.11 after three months. Therefore, exercise of option was belated.

2. It is to be noted that the petitioner along with other three teachers were promoted under the same management. All other teachers have got the benefit based on re-option. It appears that the petitioner exercised the re-option within time. The Principal of the school has forwarded the same with covering letter dated 20.4.2013. It is apparent that it was received in the office of the Regional Director only 2.5.2013, after the lapse of five days. No doubt the objection of the State is formidable. Nevertheless, considering the factum that other

three teachers have given the benefit, the delay if at all is occurred is on account of action of Principal. This shall not stand in the way of giving a substantial benefit to the writ petitioner.

Therefore, in the facts and circumstances, this Court is of the view that even though there was a delay in submitting re-option, that shall not stand in the way of giving benefit as delay is only a minimal and that too on account of reasons not attributable to the petitioner. Therefore, I do not propose to review the judgment. However for any lapse occurred on the part of the Principal, Regional Director is free to take appropriate action in accordance with law and for that the petitioner shall not be penalized. Accordingly, the Review Petition is dismissed.

Sd/

**A.MUHAMED MUSTAQUE,
JUDGE**

jm/