

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN

WEDNESDAY, THE 28TH DAY OF JANUARY 2015/8TH MAGHA, 1936

RP.No. 860 of 2014 (N) IN WP(C).6335/2013

**-----
AGAINST THE ORDER/JUDGMENT IN WP(C) 6335/2013 of HIGH COURT OF KERALA
DATED 31.7.2014**

REVIEW PETITIONER(S)/RESPONDENTS 1 & 3:

**1. STATE OF KERALA
REP. BY ITS SECRETARY TO GOVERNMENT
HIGHER EDUCATION DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM.**

**2. THE DEPUTY DIRECTOR OF COLLEGIATE EDUCATION
KOTTAYAM.**

BY GOVERNMENT PLEADER SRI.A.MOHAMMED SAVAD

RESPONDENT(S)/PETITIONER & RESPONDENTS 2 & 4:

**1. DIVYA JOSEPH
ASSISTANT PROFESSOR, DEPARTMENT OF COMMERCE
KURIAKOSE ELIAS COLLEGE, MANNANAM, KOTTAYAM.**

**2. THE MAHATMA GANDHI UNIVERSITY
REPRESENTED BY ITS REGISTRAR, ATHIRAMPUZHA, KOTTAYAM**

**3. THE MANAGER/PRINCIPAL
KURIAKOSE ELIAS COLLEGE, MANNANAM, KOTTAYAM.**

**R1 BY ADV.SRI.P.C.SASIDHARAN
R2 BY SRI.VARUGHESE M.EASO, SC, M.G.UNIVERSITY
R3 BY ADV.SRI.V.RAJENDRAN**

**THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 28-01-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

VPV

P.N.RAVINDRAN, J.
=====

R.P.No.860 of 2014
=====

Dated this the 28th day of January, 2015

ORDER

The prayer in this petition filed by respondents 1 and 3 in W.P.(C)No.6335 of 2013 is to review and recall the judgment delivered by me on 31.7.2014, allowing the writ petition. The principal contention raised in the review petition is that in view of Annuexure I letter dated 11.9.2012, Ext.P5 Government order could not have been relied upon.

2. Ext.P5 Government order is dated 12.3.2012. The petitioner was appointed on 4.6.2012 after the said Government order was issued. Even assuming that the operation of Ext.P5 Government order could have been stayed by a mere letter (Annuexure I letter dated 11.9.2012), Ext.P5 Government order stood stayed only with effect from 11.9.2012. As on the date on which the writ petitioner was appointed, Ext.P5 Government order operated with full force. In such circumstances, I am of the opinion that merely because the Government have stayed the implementation of Ext.P5 order by Annexure I letter dated

11.9.2012, whatever has transpired in the interregnum should be set at naught. There is also no indication to that effect in Annexure I letter. Annexure I letter can in my opinion have only prospective operation and it cannot therefore be relied on to upset the petitioner's appointment.

I therefore find no grounds to entertain the review petition. The review petition fails and it is accordingly dismissed. No costs.

Sd/-

**P.N.RAVINDRAN
JUDGE**

/true copy/

P.A. To Judge

vpv