

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

TUESDAY, THE 22ND DAY OF SEPTEMBER 2015/31ST BHADRA, 1937

RP.No. 907 of 2014
IN WA.1686/2013

AGAINST THE JUDGMENT IN WA 1686/2013 of HIGH COURT OF KERALA DATED
05-11-2014

PETITIONER/APPELLANT IN THE WRIT APPEAL:

THE REGISTRAR (GENERAL),
HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI.B.UNNIKRISHNA KAIMAL

RESPONDENT/RESPONDENT IN THE WRIT APPEAL:

BEENA C K, AGED 41 YEARS,
D/O. LATE C.A.KUNJAN, CHAKKALATHARA HOUSE
EDAVANAKKAD P.O., ERNAKULAM-682502.

BY ADV. SRI.M.K.CHANDRA MOHANDAS

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON
22-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**THOTTATHIL B. RADHAKRISHNAN
&
BABU MATHEW P. JOSEPH, JJ.**

R. P. No.907 of 2014 in
W. A. No.1686 of 2013

Dated this the 22nd day of September, 2015

ORDER

Thottathil B. Radhakrishnan, J.

This application seeking review is filed by the Registrar General of this Court against the interlocutory order dated 05-11-2014 issued in W.A. No.1686 of 2013.

2. Heard the learned counsel appearing for the review petitioner and the learned counsel appearing for the respondent.

3. The respondent obtained a judgment in her favour directing that she be appointed in the category of Office Attendant. When the writ appeal came up for admission, the Registrar General was required to file an affidavit. Such an affidavit dated 27-10-2014 was filed. Taking note of the contents thereof, it was directed that the respondent/writ petitioner be appointed provisionally.

4. Though this application for review is filed pointing out that

there were two candidates senior to the respondent in the rank list, the fact of the matter remains that with the passage of time, the rank list expired and no right could have been agitated by those two persons though the respondent herein has moved the jurisdiction during the currency of the rank list. Under such circumstances, we are of the view that without the judgment impugned in the writ appeal being treated as a precedent, the respondent has to be accommodated provisionally and thereby the interlocutory order dated 05-11-2014 issued in Writ Appeal No.1686 of 2013 ought to be given effect to. Let this be done on or before 31-10-2015.

The review petition is ordered accordingly.

Sd/-
THOTTATHIL B. RADHAKRISHNAN
JUDGE

Sd/-
BABU MATHEW P. JOSEPH
JUDGE

kns/-

//TRUE COPY//

P.A. TO JUDGE

