

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

THURSDAY, THE 28TH DAY OF MAY 2015/7TH JYAISHTA, 1937

WA.No. 2319 of 2009 () IN WP(C).2235/2007

AGAINST THE JUDGMENT IN WP(C) 2235/2007 of HIGH COURT OF KERALA
DATED 06-07-2009

APPELLANT(S)/PETITIONER IN THE WPC:

BABY C.J.,
HEADMASTER, M.U.A.L.P.S., PAVARATTY
THRISSUR DISTRICT.

BY ADV. SRI. ELVIN PETER P.J.

RESPONDENT(S)/RESPONDENTS IN THE WPC:

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1. THE DEPUTY DIRECTOR OF EDUCATION,
THRISSUR.
 2. THE ASSISTANT EDUCATIONAL OFFICER,
MULLASSERI P.O., PAVARATTY, THRISSUR DISTRICT.
 3. THE MANAGER,
M.U.A.L.P.S., THRISSUR.

R1,R2 BY GOVERNMENT PLEADER SMT. ROSE MICHAEL
R3 BY SRI. PRADEEP KRISHNA

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 28-05-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC & SHAJI P. CHALY, JJ.

W.A.No.2319 of 2009

Dated this the 28th day of May, 2015

JUDGMENT

Antony Dominic, J.

1. This writ appeal is filed by the petitioner in W.P (C).2235/07. The writ petition was filed challenging Exts.P3 and P4 whereby the appellant was directed refund of excess pay received and Ext.P7 by which the recovery was confirmed. By the impugned judgment, learned single Judge dismissed the writ petition.

2. We have gone through the pleadings. From the judgment under appeal, it is seen that the grounds on which the writ petition was dismissed are delay and laches. Admittedly, Exts.P3, P4 and P7 are dated 20.6.2000, 26.3.2001 and 15.5.2001 respectively. The writ petition was filed only on 16.1.2007. This, therefore, shows that the writ petition was filed with long delay. Further, even in the writ petition, apart from the grounds urged, there is no explanation for the delay as found by the learned single Judge.

In such circumstances, we do not find any reason to interfere with the judgment under appeal.

Appeal fails. It is accordingly dismissed.

Sd/-
ANTONY DOMINIC, Judge.

Sd/-
SHAJI P. CHALY, Judge.

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PS to Judge