

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ANTONY DOMINIC
&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

MONDAY, THE 22ND DAY OF JUNE 2015/1ST ASHADHA, 1937

WA.No. 1808 of 2010 () IN WP(C).8601/2004

JUDGMENT IN WP(C) 8601/2004 of HIGH COURT OF KERALA DATED
16.11.2009

APPELLANTS/RESPONDENTS 1-4 & 6 IN WPC:

1. THE SECRETARY TO GOVERNMENT, GENERAL
EDUCATION DEPARTMENT, THIRUVANATHAPURAM.
2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM.
3. DEPUTY DIRECTOR OF EDUCATION,
IDUKKI.
4. THE ASSISTANT EDUCATIONAL OFFICER,
THODUPUZHA.
5. THE ACCOUNTANT GENERAL, ACCOUNTANT
GENERAL'S OFFICE, THIRUVANANTHAPURAM.

BY SENIOR GOVERNMENT PLEADER SRI.M.A. FAYAZ

RESPONDENTS/PETITIONER & 5TH RESPONDENT IN WPC:

1. M.J.JOSE, MEKKUNNEL HOUSE,
PARAPUZHA P.O., THODUPUZHA (RETIRED HEADMASTER
ST.JOSEPH'S L.P.SCHOOL, PARAPPUZHA, THODUPUZHA
IDUKKI DISTRICT, PIN-685584.
2. THE HEADMASTER, ST.JOSEPH'S L.P.SCHOOL,
PARAPPUZHA, THODUPUZHA, IDUKKI DISTRICT
PIN-685584.

R1 BY ADV. SRI.GOKUL DAS V.V.H.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
22-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

**ANTONY DOMINIC
&
SHAJI P. CHALY, JJ.**

W.A. No.1808 of 2010

Dated this the 22nd day of June, 2015

JUDGMENT

Antony Dominic,J.

This appeal is filed by the respondents in Writ Petition No.8601 of 2004 challenging the judgment of the learned Single Judge whereby it is ordered that the appellants shall accept the option exercised by the first respondent and re-fix his pay on the basis of that option in terms of Exts.P1 and P2.

2. The contention raised by the learned Government Pleader is that having found that the pay was initially erroneously fixed, the learned Single Judge ought not have been issued this direction.

3. Having considered this submission made, we are not inclined to agree with the learned Government Pleader. As has been rightly found by the learned Single Judge, the mistake in question was not either created by the first respondent nor has he contributed to the same. It is also seen from paragraph 7 of the judgment that in several cases of this nature, this Court has

granted relief similar to what has been granted to the first respondent. Therefore, we are not inclined to think that the learned Single Judge has committed any illegality in exercising his discretion for us to interfere in this writ appeal.

Appeal fails and it is accordingly dismissed.

Sd/-

**ANTONY DOMINIC
JUDGE**

Sd/-

**SHAJI P. CHALY
JUDGE**

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P.A. to Judge

smv