

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. 1968 of 2012 ( ) IN WP(C).5264/2004

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AGAINST THE JUDGMENT IN WP(C) 5264/2004 of HIGH COURT OF KERALA  
DATED 28-03-2007

APPELLANT(S)/PETITIONER IN WPC :  
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REGIMOL PHILIP AGED 44 YEARS  
W/O. JOSE GEORGE, MUNDATTUCHUNDAYIL HOUSE  
EDAMATTOM P.O., MEENACHIL, PALA VIA  
KOTAYAM DISTRICT, NOW RESIDING AT EDAMATTOM  
POOVARANI VILLAGE, MEENACHIL TALUK, KOTTAYAM DISTRICT.

BY ADVS. SRI. VARGHESE C. KURIAKOSE  
SRI. PRAVEEN K. JOY

RESPONDENT(S)/RESPONDENTS :  
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1. STATE OF KERALA  
REP. BY SECRETARY TO GOVERNMENT  
DEPARTMENT OF GENERAL EDUCATION, GOVT. SECRETARIAT  
THIRUVANANTHAPURAM. 695001.
2. THE ASST. EDUCATIONAL OFFICER  
ETTUMANNOOR, KOTTAYAM DISTRICT. 686305.
3. THE MANAGER  
ST. JOSEPH'S L.P. SCHOOL, KUMMANNOOR, CHARPUNKAL P.O.  
PALA VIA, KOTTAYAM DISTRICT. 686130.
4. SUNNY JACOB  
KALEKATTIL HOUSE, MANAGER, ST. JOSEPH'S L.P. SCHOOL  
KUMMANNOOR, CHARPUNKAL P.O., PALA VIA  
KOTTAYAM DISTRICT. 686130.

R1, R2 BY GOVERNMENT PLEADER SRI. P. FAZIL  
R BY SRI. P. RAMAKRISHNAN

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.  
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C.M.Appln.955 of 2012 & W.A.No.1968 of 2012  
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Dated this the 28<sup>th</sup> day of May, 2015

JUDGMENT

Antony Dominic, J.

1. C.M.Appln.955 of 2012 is filed by the appellant seeking condonation of delay of 1993 days in filing the appeal.
2. We heard learned counsel for the appellant, learned Government Pleader appearing for respondents 1 and 2 and learned counsel appearing for the 4<sup>th</sup> respondent.
3. The writ petition was filed on 10.2.2004, challenging Ext.P9 order dated 17.10.2003. It was dismissed by judgment dated 28.3.2007. Going by the averments in the affidavit filed in support of the application for condonation of delay, a review petition was filed on 21.7.2007 and the same was dismissed by order dated 25.1.2012, copy of which is neither produced herein nor is challenged. It is thereafter that on 1.11.2012, this appeal is filed with a prayer to condone the delay of 1993 days.

4. Even if it is assumed that the delay during the pendency of the review petition is to be excluded, from the copies of the judgment produced before us, we find that though the judgment in the writ petition was rendered on 28.3.2007, copy of the same was received only on 4.9.2012. This means that the copy of the judgment produced herein is not the one which was obtained initially, on the basis of which, the review petition was filed. In any case, there is absolutely no satisfactory explanation for the delay in filling of the appeal between 25.1.2012 when the review petition was dismissed and 1.11.2012 when this appeal was filed. In such circumstances, we are not satisfied that the appellant has made out a case for condonation of delay.

C.M.Appln.955 of 2012 is dismissed. Consequently, the appeal also is dismissed.

Sd/-  
ANTONY DOMINIC, Judge.

Sd/-  
SHAJI P. CHALY, Judge.

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PS to Judge