

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

FRIDAY, THE 3RD DAY OF JULY 2015/12TH ASHADHA, 1937

W.A.No. 1357 of 2011

AGAINST THE JUDGMENT IN WP(C) 39901/2003 of HIGH COURT OF KERALA DATED 11-11-2009

APPELLANTS/RESPONDENTS:

1. THE SECRETARY TO GOVERNMENT
GENERAL EDUCATION DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM.
2. THE ACCOUNTANT GENERAL (A&E), KERALA
THIRUVANANTHAPURAM.
3. THE DEPUTY DIRECTOR OF EDUCATION,
ALAPPUZHA.
4. THE ASSISTANT EDUCATIONAL OFFICER,
THURAVOOR, CHERTHALA.

BY ADV. GOVERNMENT PLEADER SRI.M.A.FAYAZ

RESPONDENTS/PETITIONER & SUPPLEMENTARY 2ND PETITIONER:

1. P.J.AUGUSTINE (DIED)
HEADMASTER
ST.MARY'S I MMACULATE L.P.SCHOOL, EZHUPUNNA, CHERTHALA
ALAPPUZHA DISTRICT (DIED), PIN 688 548.
2. JESSY AUGUSTINE,
W/O.LATE P.J.AUGUSTINE, PUTHIYATH HOUSE, AROOR PO
ALAPPUZHA DISTRICT PIN 688 534.

R2 BY ADV. SRI.K.MOHANAKANNAN
RR2 BY ADV. SMT.A.R.PRAVITHA
R BY SRI.K.MOHANAKANNAN
R BY SMT.A.R.PRAVITHA

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 03-07-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC & SHAJI P. CHALY, JJ.

Writ Appeal No.1357 of 2011

Dated this the 3rd day of July, 2015

JUDGMENT

Antony Dominic, J.

The writ petition was filed by the deceased first respondent and the question raised was regarding his entitlement for the arrears consequent on re-option. By the judgment under appeal, the learned Single Judge allowed the writ petition following the Division Bench judgment in ***State of Kerala v. Lissy Joseph (2005 (4) KLT SN.70 C.No.97)***. It is this judgment, which is under challenge before us.

2. Though it is true that an S.L.P. filed against the judgment relied on by the learned Single Judge is pending before the Apex Court, as at present the Division Bench judgment remains as a precedent binding on this Court.

In such circumstances, we do not find any illegality in the view taken by the learned Single Judge. Writ appeal is dismissed.

Sd/-

**ANTONY DOMINIC
JUDGE**

Sd/-

**SHAJI P. CHALY
JUDGE**

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