

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN  
&  
THE HONOURABLE MR.JUSTICE K.HARILAL

TUESDAY, THE 24TH DAY OF FEBRUARY 2015/5TH PHALGUNA, 1936

WA.No. 1159 of 2013 (W)

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JUDGMENT IN WP(C) 30183/2012 DATED 18-12-2012

APPELLANTS:

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1. THE GOVERNMENT OF KERALA  
REPRESENTED BY THE SECRETARY  
GENERAL EDUCATION DEPARTMENT, SECRETRIAT  
THIRUVANANTHAPURAM-695 001.
2. THE DISTRICT EDUCATIONAL OFFICER  
MUVATTUPUZHA-686 661.

BY ADV.SRI.VIJU THOMAS, SENIOR GOVERNMENT PLEADER

RESPONDENTS/PETITIONERS & 3RD RESPONDENT:

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1. ASHA DEVADAS  
W/O.RADHAKRISHNAN, WORKING AS TRAINER  
SSA (SARVA SIKSHA ABHAYAN) MUVATTUPUZHA  
ON WORKING ARRANGEMENT  
HIG SCHOOL ASSISTANT MATHS, MRSV HIGH SCHOOL  
S.MAZHUVANNOOR, MUVATTUPUZHA-686 669.
2. MINI.N.ELAYATHU  
W/O.K.S.VIPIN, WORKING AS HIGH SCHOOL ASSISTANT  
MALAYALAM, MRSV HIGH SCHOOL, S.MAZHUVANNOOR  
MUVATTUPUZHA-686 669.
3. THE MANAGER  
MRSV HIGH SCHOOL, S.MAZHUVANNOOR  
MUVATTUPUZHA-686 669.

R1 BY ADV. SRI.T.A.UNNIKRISHNAN  
R1 BY ADV. SRI.K.S.PRAVEEN

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON  
24-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

SCL.

**THOTTATHIL B. RADHAKRISHNAN  
&  
K. HARILAL, JJ.**

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W.A. No.1159 of 2013  
&  
C.M.Appl.No.621 of 2013  
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Dated this the 24<sup>th</sup> day of February, 2015.

**JUDGMENT**

**Thottathil B. Radhakrishnan, J.**

We have heard the learned Senior Government Pleader and the learned counsel for the respondents. Having perused the affidavit in support of the application seeking condonation of delay of 176 days, we do not see that any acceptable cause has been shown to be treated as sufficient enough to condone the delay. The attribute is made to the heavy load of work which is an inexcusable component of any Government lawyer's office. We say so more particularly because the judgment was delivered by the learned single Judge on 18.12.2012 and the appeal is presented only on 20.7.2013, though the certified copy of the impugned judgment was obtained on 9.1.2013. That apart, we have also looked into the merits of the case. The learned single Judge has only followed an earlier judgment. We are not impressed to take the view

that the said decision needs a different look on the facts of the case in hand. Though the learned Senior Government Pleader makes reference to the decision in **Alizuamma v. Accounts Officer, Office of the Accountant General [2013(4) KLT 53]**, it does not govern the situation. The writ appeal also fails.

In the result, the writ appeal and the C.M.Application are dismissed.

**Sd/-  
THOTTATHIL B. RADHAKRISHNAN  
JUDGE**

**Sd/-  
K. HARILAL  
JUDGE**

Scl.