

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

W.A.No. 70 of 2015 IN WP(C).4837/2012

AGAINST THE JUDGMENT IN WP(C) 4837/2012 of HIGH COURT OF KERALA DATED 11-02-2014

APPELLANTS/RESPONDENTS IN WPC:

1. STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT
GENERAL EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM-695 001.
2. THE DEPUTY DIRECTOR OF EDUCATION
KOTTAYAM-686 001.
3. THE DISTRICT EDUCATIONAL OFFICER
KADUTHURUTHY-686 004..

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

RESPONDENTS/PETITIONER AND R4 IN WPC:

1. KAVITHA S
UPPER PRIMARY SCHOOL ASSISTANT (UPSA)
VOCATIONAL HIGHER SECONDARY SCHOOL (VHSS)
BRAHMAMANGALAM, VAIKOM 686 614
2. THE MANAGER
VOCATIONAL HIGHER SECONDARY SCHOOL (VHSS)
BRAHMAMANGALAM, VAIKOM-686 614.

R1 BY ADV. SRI.K.JAJU BABU (SR.)
R1 BY ADV. SMT.M.U.VIJAYALAKSHMI
R BY SRI.T.R.SADEESAN

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 29-07-2015, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC & SHAJI P. CHALY, JJ.

Writ Appeal No.70 of 2015

Dated this the 29th day of July, 2015

JUDGMENT

Antony Dominic, J.

The respondents in W.P.(C) 4837/12 filed the appeal challenging the judgment of the learned Single Judge, by which they were directed to approve the appointment of the first respondent as UPSA under the second respondent from 3.7.2006.

2. It is seen from Ext.R1(a) produced along with the counter affidavit filed in C.M.Appln.40/15 that by G.O.(Rt)No.2669/2014/G.Edn. dated 7.7.2014, the appointment is ordered to be approved during the academic year 2006-2007. From the materials now available, it appears that the approval for the subsequent years was not granted since there was fall in the student strength. The correctness of the action of the Government in confining the approval for the year 2006-2007 has been challenged by the first respondent in W.P.(C)19374/15 before this Court and that writ petition is pending.

Writ Appeal No.70 of 2015

3. In such circumstances, leaving it open to the parties to lead the issue in relation to the non approval for the period subsequent to 2006-2007, to be adjudicated in W.P.(C)19374/15.

Writ appeal is disposed of.

SD/-
ANTONY DOMINIC
JUDGE

SD/-
SHAJI P. CHALY
JUDGE

jes

ANTONY DOMINIC & SHAJI P. CHALY, JJ.

**C.M.Appln.No.40 of 2015 in
Writ Appeal No.70 of 2015**

Dated this the 29th day of July, 2015

ORDER

Antony Dominic, J.

This is an application filed to condone the delay of 267 days in filing the writ appeal.

2. Notice has been served and counsel has entered appearance for the respondent. They have also filed a counter affidavit.

Although objection has been raised against the condonation of delay, from the affidavit filed we are satisfied that the delay has occurred for the reasons beyond the control of the petitioner. In such circumstances, delay is condoned.

**ANTONY DOMINIC
JUDGE**

**SHAJI P. CHALY
JUDGE**