

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

FRIDAY, THE 6TH DAY OF FEBRUARY 2015/17TH MAGHA, 1936

WA.No. 248 of 2015 () IN WP(C).2627/2015

**AGAINST THE ORDER/JUDGMENT IN WP(C) 2627/2015 of HIGH COURT OF KERALA
DATED 29.01.2015**

APPELLANT(S)/PETITIONER:

**THE MANAGER,
JANATHA HIGHER SECONDARY SCHOOL, THEMPAMMOOD,
PULLAMPARA P.O., THIRUVANANTHAPURAM-695 607.**

**BY ADVS.SRI.BABU KARUKAPADATH
SMT.M.A.VAHEEDA BABU
SRI.K.A.NOUSHAD
SRI.P.U.VINOD KUMAR
SRI.KANDAMPULLY RAHUL
SRI.MITHUN BABY JOHN
SRI.J.RAMKUMAR**

RESPONDENT(S)/RESPONDENTS:

- 1. STATE OF KERALA,
REPRESENTED BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF GENERAL EDUCATION,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.**
- 2. THE DEPUTY DIRECTOR OF EDUCATION,
THIRUVANANTHAPURAM-695 001.**
- 3. THE DISTRICT EDUCATIONAL OFFICER,
ATTINGAL-695 101.**
- 4. L.SUSHAMA, AGED 56 YEARS,
W/O.SREEKANDAN NAIR, KOVIL VILAKAM,
PANCHAYATH OFFICE ROAD, VENJARAMMOODU,
THIRUVANANTHAPURAM-695 607.**

R1 TO R3 BY SRI.T.RAMAPRASAD UNNI, GOVERNMENT PLEADER

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 06-02-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

DG

APPENDIX

PETITIONER'S EXHIBITS:

ANNEXURE-A: COPY OF THE ORDER TO IMPLEMENT EXHIBIT P-7,
PURPORTED TO HAVE BEEN ISSUED ON 29.01.2015,
ISSUED BY THE 2ND RESPONDENT.

RESPONDENT'S EXHIBITS - NIL

//TRUE COPY//

PA TO JUDGE

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

W.A.No.No.248 of 2015

&

I.A.No.170 of 2015

Dated this the 6th day of February, 2015

J U D G M E N T

Thottathil B.Radhakrishnan, J.

This writ appeal is wholly unsustainable and deserves to be dismissed at the threshold. We say this because, going by the judgment, the writ petition was ordered in terms of the submission made by the petitioner that he shall avail alternate remedy under Rule 92 of Chapter XIV A of the Kerala Education Rules. Therefore, the learned single Judge left all other questions undecided. We are unable to find our way to go ahead to decide other issues, though the learned counsel for the appellant wants us to do it. We are also clear in our mind that it is settled law that it is within the jurisdiction of a Judge to minute what transpired in a Court and what submissions were made during the course of hearing. If the learned single Judge had erred in recording that the petitioner was prepared to avail the alternate remedy, that is not a

ground to be urged in an appeal, but, even going by the decisions of the Apex Court, that would only enable a review. We see no ground to interfere with the decision of the learned single Judge.

In the result, the writ appeal and the interlocutory application are dismissed.

Sd/-
(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

Sd/-
(K.HARILAL, JUDGE)

//TRUE COPY//

P.A TO JUDGE

DG