

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 27TH DAY OF MAY 2015/6TH JYAISHTA, 1937

W.A.No. 932 of 2015 IN WP(C).13531/2015

AGAINST THE ORDER IN WP(C) 13531/2015 of HIGH COURT OF KERALA DATED 08-05-2015

APPELLANT/1ST RESPONDENT:

A.A.HAMEED AGED 50 YEARS
S/O.ABDUL KADIR, MANAGER
YAKOOB LABBA MEMORIAL UPPER PRIMARY SCHOOL
KEEZAHTTINGAL, ATTINGAL, THIRUVANANTHAPURAM.

BY ADVS.SRI.V.A.MUHAMMED
SRI.V.RAJASEKHARAN NAIR

RESPONDENTS/PETITIONER AND RESPONDENTS 2 TO 5:

1. BINU SHEREENA, AGED 38 YEARS
W/O.JEEM KHAN, HEAD MISTRESS (UNDER SUSPENSION)
YAKOOB LABBA MEMORIAL UPS, KEEZAHTTINGAL, ATTINGAL
THIRUVANANTHAPURAM, (RESIDING AT GREEN VILLA
MANANAKKU, PERUMKULAM, ATTINGAL-695 102).
2. THE STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO GOVERNMENT
GENERAL EDUCATION DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM - 695 014.
3. THE DIRECTOR OF PUBLIC INSTRUCTIONS
JAGATHY, THIRUVANANTHAPURAM - 695 014.
4. THE DEPUTY DIRECTOR OF EDUCATION
THIRUVANANTHAPURAM - 695 014.
5. THE ASSISTANT EDUCATIONAL OFFICER
ATTINGAL, THIRUVANANTHAPURAM - 695 101.

R1 BY ADV.SRI.THIRUMALA P.K.MANI
R BY SPL. GOVERNMENT PLEADER SRI.P.P.MOHAMOOD

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 27-05-2015 ALONG
WITH W.A.NO.999 OF 2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC & SHAJI P.CHALY, JJ.

Writ Appeal Nos.932 & 999 of 2015

Dated this the 27th day of May, 2015

JUDGMENT

Antony Dominic, J.

Writ Appeal 999/15 is against the judgment of the learned Single Judge disposing of Writ Petition 13903/2015, filed by the appellant directing the Government of Kerala to dispose of Ext.P21 Revision Petition filed against Ext.P20 of the Additional Director. In so far as Writ Appeal 932/15 filed by the appellant is concerned, in this appeal, he impugns the interim order dated 8th May 2015 passed by the learned Single Judge in Writ Petition 13531/15 filed by the common party respondent, where the learned Judge has directed that the party respondent shall be reinstated in service in pursuance to Ext.P16, which is Ext.P20 in Writ Appeal No.999/15.

2. We heard the counsel for the appellant, learned Government Pleader and the learned counsel appearing for the party respondents.

3. The interim order directing implementation of Ext.P16 (Ext.P20 in Writ Appeal 999/15), came to be passed because the stay of the said order sought for in Writ Petition 13903/15 was not granted by this Court. This

precisely is the grievance of the appellant in Writ Appeal 999/15. It was in this background these appeals are filed.

4. Although various contentions have been raised by learned counsel for the appellant, it is the admitted factual position that by order dated 13.5.2015 issued by the Manager, the appellant, the party respondent who was under suspension has already been reinstated in service, which of course is subject to the outcome of the Writ Appeal 932/15. Therefore, if any order interfering the judgment is now passed, that will upset the status quo that is prevailing as on today.

5. In such circumstances, instead of passing any such order, we feel, it is only appropriate that Government of Kerala should dispose of Ext.P21 revision mentioned in the judgment in W.P.(C)13903/15 on an expeditious basis. With that in mind, we had directed the learned Government Pleader to obtain instructions and submit the earliest possible date for the Secretary to the Government to hear the parties and pass orders on that basis. Accordingly, instructions have been obtained and based on the instructions so obtained by him, we dispose of these appeals with the following directions:

(1) The appellant and the party respondent in these cases will appear before the Secretary to the Government, Department of General Education at 11.30 a.m. on 3.6.2015. On appearance of the parties as above, the Secretary to the Government shall hear them on Ext.P21 revision mentioned above and pass orders on the revision as expeditiously as possible, at any rate, within two weeks thereafter.

(2) The reinstatement of the party respondent pursuant to the order of this Court in Writ Petition No.13531/15, challenged in Writ Appeal 932/15, will be subject to the outcome of the order to be passed by the Secretary to the Government.

6. The directions in the judgment in W.P.(C) 13903/15 will stand modified as above.

7. The appellant is directed to produce a copy of this judgment along with the copies of the Writ Appeals before the Secretary to the Government, Department of General Education for information and compliance.

With these directions, these appeals are disposed of.

Sd/-
ANTONY DOMINIC
JUDGE

Sd/-
SHAJI P. CHALY
JUDGE