

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

MONDAY, THE 27TH DAY OF JULY 2015/5TH SRAVANA, 1937

W.A.No.958 of 2015 IN O.P35938/2001

AGAINST THE JUDGMENT IN OP 35938/2001 of HIGH COURT OF KERALA DATED 4.9.2012

APPELLANTS:

1. STATE OF KERALA,
REP. BY THE SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT,
THIRUVANANTHAPURAM.
2. THE DEPUTY DIRECTOR OF EDUCATION,
KOTTAYAM
3. THE DISTRICT EDUCATIONAL OFFICER,
PALA
4. THE ACCOUNTANT GENERAL OF KERALA
THIRUVANANTHAPURAM.

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

RESPONDENT:

SMT.LEELAMA BRIDGET,
D/O IYPE MATHAI,
HSA MATHS, ST. MARY'S GIRLS HIGHER SECONDARY SCHOOL
PALAI, KOTTAYAM DISTRICT.

R. BY ADV.SRI.ESM.KABEER

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 27-07-2015, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC & SHAJI P.CHALY, JJ.

**C.M.Appln.482 of 2015 &
Writ Appeal No.958 of 2015**

Dated this the 27th day of July, 2015

JUDGMENT

Antony Dominic, J.

This C.M.Application is filed to condone the delay of 908 days in filing this writ appeal.

2. We heard the Government Pleader and also the learned counsel for the respondent.

3. The reading of the affidavit shows that apart from the administrative delay, there was no other reasons stated. That explanation, in our view, is unsatisfactory to condone the inordinate delay of 908 days sought for in this application.

4. Even on merits, we are not satisfied that there is any case to be examined on merits. The issue arise in the appeal is the eligibility of the respondent to reckon provisional service rendered in a Government school for the purpose of higher grade. It is seen that as per Annexure A2, the Government themselves have extended such benefit in the case of other similarly situated teachers. That apart, similar claims have been allowed by this Court and the judgment of this Court in Writ Appeal 1136/05

confirming such a judgment has also been upheld by the Apex Court as per Annexure A3 order.

In such circumstances, the application for condonation of delay is dismissed. Accordingly, the appeal will also stand dismissed.

SD/-
ANTONY DOMINIC
JUDGE

SD/-
SHAJI P. CHALY
JUDGE

jes