

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 17TH DAY OF JUNE 2015/27TH JYAISHTA, 1937

WA.No. 1227 of 2015 IN WP(C).34364/2011

AGAINST THE JUDGMENT IN WP(C) 34364/2011 of HIGH COURT OF KERALA DATED 30-07-2014

APPELLANTS/RESPONDENT NO.8 AND ADDITIONAL RESPONDENT NO.9:

1. C.S.ADARSH, SREELEKSHMI, RALoor KAVA,
NAGARoor PO, ATTINGAL, THIRUVANANTHAPURAM 695 601.
2. ARCHANA DEVAKI.V.VAIRASSERI MADOM,
VETTUUVENI, HARIPAD PO, ALAPPUZHA DISTRICT 690 514.

BY ADV. SRI.S.SUBHASH CHAND

RESPONDENTS/PETITIONER/RESPONDENTS 1 TO 7:

1. R.RAJESH, S/O RAJASEKHARAN PILLAI,
BINDHU NIVAS, KADACKKAL, PULLUPANA PO, KOLLAM DISTRICT
2. STATE OF KERALA
REPRESENTED BY ITS SECRETARY
GENERAL EDUCATION DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM 695 001.
3. THE DIRECTOR OF PUBLIC INSTRUCTION
JAGATHY, THIRUVANANTHAPURAM 695 001
4. THE DEPUTY DIRECTOR OF EDUCATION, ALAPPUZHA 688 001
5. DISTRICT EDUCATIONAL OFFICER, KUTTANADU,
RAMANKARY PO, ALAPPUZHA 689 595
6. TRAVANCORE DEVASWOM BOARD, REPRESENTED BY ITS SECRETARY,
NANTHANCODE, THIRUVANANTHAPURAM 695 001
7. MANAGER, TRAVANCORE DEVASWOM BOARD SCHOOLS
NANTHANCODE, THIRUVANANTHAPURAM 695 001
8. THE HEAD MASTER, DEVASWOM BOARD HIGHER SECONDARY SCHOOL
THAKAZHY, ALAPPUZHA DISTRICT 688 562.

R BY SRI.ALEXANDER JOSEPH

R BY GOVERNMENT PLEADER SRI.M.A.FAYAZ

R BY SRI.M.V.SNAMBOOTHIRI, SC, TRAVANCORE DEVASWOM BOARD

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 17-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC & SHAJI P.CHALY, JJ.

Writ Appeal No.1227 of 2015

Dated this the 17th day of June, 2015

JUDGMENT

Antony Dominic, J.

The Writ Petition 34364/11 seeking to quash Ext.P9 and for other consequential orders was disposed of by the learned Single Judge by judgment dated 30th July 2014 directing consideration of Ext.P10, appeal filed by the Manager challenging Ext.P9 order and also giving liberty to the first respondent to challenge Ext.P11. It is aggrieved by this judgment, respondents 8 and 9 in the writ petition have filed this appeal.

2. We heard counsel for the appellants, learned counsel for the first respondent, Government Pleader appearing for the official respondents and the Standing Counsel appearing for respondents 6 to 8.

3. Considering the pendency of Ext.P10, statutory appeal filed by the manager, the direction of the learned Single Judge directing its disposal in accordance with law cannot be objected. However, the grievance of the appellants that is highlighted before us is regarding one observation made by the learned Single Judge in the last paragraph of judgment that “after such consideration of the issues appropriate orders shall be passed taking

note of the observations made hereinbefore in accordance with law, expeditiously". In our view, there is no basis for the apprehension of the appellants that the aforesaid sentence in the judgment will affect the statutory discretionary power of the authorities who are to consider Exts.P10 and P11, which fact is also evident from the penultimate sentence of the judgment itself.

4. In such circumstances, writ appeal is disposed of clarifying that the aforesaid observation in the judgment shall not affect the statutory discretionary power of the authorities to deal with Ext.P10 or the proceedings that are initiated against Ext.P11 and that such proceedings shall be dealt with in accordance with law.

Writ appeal is disposed of.

SD/-
ANTONY DOMINIC
JUDGE

SD/-
SHAJI P. CHALY
JUDGE

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