

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC
&

THE HONOURABLE MR. JUSTICE SHAJI P. CHALY

THURSDAY, THE 9TH JULY, 2015/18TH ASHADHA, 1937

W.A.No. 1443 of 2015 () IN WP(C).13539/2015

AGAINST THE ORDER IN I.A.NO.8320 OF 2015 DATED 03.07.2015 IN W.P.(C) NO.13539 OF 2015.

APPELLANT(S)/WRIT PETITIONER:

THACHADI SOMAN,
MANAGER,
PALLANA MAHAKAVI KUMARAN ASAN MEMORIAL HIGH SCHOOL,
PALLANA PO, KARTHIKAPPALLY.

BY ADVS.SMT.VP.SEEMANDINI (SR.)
SRI.M.R.ANISON

RESPONDENT(S):

1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
DEPARTMENT OF GENERAL EDUCATION, SECRETARIAT,
THIRUVANANTHAPURAM-695 001.
2. THE DISTRICT EDUCATIONAL OFFICER,
ALAPPUZHA-688 005.
3. BINU THACHADI,
THACHADIYIL HOUSE, PATHIYOOR, KAYAMKULAM-690 502.
4. RAVI,
S/O.KESAVAN, EDASSERY HOUSE, PALLANA P.O.,
KARTHIKAPPALLY-690 515.

R1 AND R2 BY SENIOR GOVERNMENT PLEADER, SRI.M.A.FAYAZ
R3 AND R4 BY ADV. SRI.GEORGE POONTHOTTAM,

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 09.07.2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.T.O.

**ANTONY DOMINIC
&
SHAJI P. CHALY, JJ.**

W.A.No.1443 of 2015

Dated this the 9th day of July, 2015

JUDGMENT

Antony Dominic, J.

The appellant who is the writ petitioner in W.P.(C) No.13539 of 2015 filed I.A.No.8320 of 2015, seeking stay of Ext.P13, the order passed by the 2nd Respondent approving 3rd Respondent as the Manager of Pallana Mahakavi Kumaran Asan Memorial High School, Pallana P.O. Although, by an interim order dated 19.06.2015, the learned Single Judge granted stay as prayed for, the matter was again considered on 03.07.2015, when after hearing the learned Senior Counsel for the appellant, learned Government Pleader and the learned counsel appearing for Respondents Nos. 3 and 4, the learned Single Judge modified the order dated 19.06.2015 and clarified that the parties will be governed by *status quo* following Ext.P13. This was primarily taking note of the fact that impugning the Resolutions of the General Body meeting held on 25.01.2015, O.S.Nos.119 and 201 of 2015 were filed and

are pending before the Munsiff's Court, Haripad, no interim order has been passed by that Court and that the I.A. in O.S.No.201/2015 was posted to 19.08.2015. It is aggrieved by the order of 03.07.2015, this appeal is filed.

2. We heard the learned Senior Counsel for the appellant, learned Government Pleader for Respondents Nos.1 and 2 and the learned counsel appearing for Respondents Nos.3 and 4.

3. Although various contentions were raised by the learned Senior Counsel appearing for the appellant and these contentions were contradicted by the learned counsel appearing for Respondents 3 and 4, we do not think it proper to deal with those contentions for the reason that these are matters which are directly arising for adjudication in the civil suits that are pending at the Munsiff's Court, Haripad.

4. However, one issue that was highlighted by the learned Senior Counsel for the appellant was that since the passing of the impugned order dated 03.07.2015, the 3rd Respondent is taking hectic steps to make appointments in the Higher Secondary Section of the School and the interview for the same has already commenced. It was also submitted that

the I.A. filed in O.S.No.201/2015 has been preponed on the application made by the appellant and is now posted to 20.07.2015.

5. When these contentions were raised by the learned Senior Counsel, in all fairness, learned counsel for Respondents Nos.3 and 4 submitted that no appointment will be made in pursuance of the interview now being held till the Interlocutory Application is heard by the Civil Court on 20.07.2015.

6. In view of the submissions made by the learned counsel for Respondents 3 and 4, we feel that the grievance of the appellant stands substantially redressed and therefore we dispose of this appeal with the following directions:

(1) We record the submission made by the learned counsel appearing for the Respondents 3 and 4 that appointments to the Higher Secondary School, in pursuance of the interview now being held will not be made until the Civil court hears the parties on the Interlocutory Application in O.S.No.201/2015, which is posted to 20.07.2015.

(2) We also record the submission made by the learned counsel for the Respondents 3 and 4, who are defendants/respondents in O.S.No.201/2015 that they will

appear before the Munsiff Court, Haripad on 20.07.2015 and will be ready to argue the I.A. on that day.

(3) It is directed that the Munsiff's Court, Haripad will hear the I.A. in O.S.No.201/2015 on 20.07.2015 and for any reason if it is not possible, the I.A. should be heard and decided immediately thereafter and till such time, the undertaking given by Respondents 3 and 4 not to make appointments will remain in force.

(4) It is also made clear that the Munsiff's Court shall pass orders in the I.A. in O.S.No.201/2015 untrammelled by the order dated 03.07.2015 passed by the learned Single Judge and this judgment.

Issue copies to the parties for production in the court below.

Sd/-

**ANTONY DOMINIC
JUDGE**

Sd/-

**SHAJI P. CHALY
JUDGE**

//true copy//

P.S. to Judge

St/-