

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

FRIDAY, THE 4TH DAY OF DECEMBER 2015/13TH AGRAHAYANA, 1937

WP(C) .No. 8881 of 2007 (G)

PETITIONER(S) :

THE CORPORATE MANAGER,
CORPORATE MANAGEMENT OF SCHOOLS
ARCH- DIOCESE OF THALASSERRY, THALASSERY.

BY ADVS.SRI.P.SANKARANKUTTY NAIR
SRI.T.V.AJAYAKUMAR

RESPONDENT(S) :

1. STATE OF KERALA REPRESENTED BY THE
SECRETARY TO GOVERNMENT
GENERAL EDUCATION DEPARTMENT, THIRUVANANTHAPURAM.
2. THE DISTRICT EDUCATIONAL OFFICER,
THALASSERRY.
3. THE DISTRICT EDUCATIONAL OFFICER,
KANHANGAD.
4. M.V.KURIAKOSE,
P.E.T. (RETD.) MANNAPARAMBIL HOUSE, CHEMPERI P.O.
TALIPARAMBA TALUK, KANNUR.

R4 BY ADV. SRI.K.S.MADHUSOODANAN
BY Sr.GOVERNMENT PLEADER SRI.P.M.JOSEPH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
04-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 8881 of 2007 (G)

APPENDIX

PETITIONER's EXHIBITS :

EXT.P1 : ORDER ISSUED BY THE 1ST RESPONDENT DATED 13.1.03.

EXT.P2 : TRUE COPY OF THE JUDGMENT IN W.A.NO.5/06 DATED 18.7.06.

EXT.P3 : TRUE COPY OF THE PETITION BY THE 4TH RESPONDENT DATED 25.8.06.

EXT.P4 : TRUE COPY OF THE SALARY BILL RETURNED BY the 2ND RESPONDENT.

EXT.P5 : TRUE COPY OF THE NOTICE BY THE 2ND RESPONDENT DATED 2.1.06.

RESPONDENTS' EXHIBITS :

EXT.R2(a) : TRUE COPY OF the ORDER NO.29/2003 DT.28.4.2003.

//TRUE COPY//

P.A.TO JUDGE

ami/

A.M.SHAFFIQUE, J.

W.P.(C)No.8881 of 2007

Dated this the 4th day of December, 2015.

J U D G M E N T

The petitioner who is the Corporate Manager of the School has approached this Court seeking the following reliefs :

- "i. A writ of mandamus or other appropriate writ, direction or order directing the 2nd and 3rd respondents to accept the salary bills and to disburse the amount remitted by the petitioner towards the salary due to the 4th respondent for the period from 1.5.01 to 30.6.2002 forthwith without insisting on refund of the salary drawn by the junior most P.E.T. under the management for the period from 15.7.2000 to 30.4.2001 ;
- ii) Any other appropriate writ direction or order, which this Hon'ble Court deems just and proper in the facts and circumstances of the case."

It is inter alia contended that on account of respondents 2 and 3's failure to accept the salary bills and disbursement of the amount due to the 4th respondent during the period from 1.5.2001 to 30.6.2002, the petitioner has to pay the salary from his own pocket. That apart, the petitioner has already paid a sum of Rs.1,12,152/- which was the salary drawn by

Smt.Binny Joseph. His payment was made at the instance of the Government when the salary bills of the 4th respondent was not being accepted. Hence, the learned counsel seeks for a direction to the Government to refund the said amount.

2. Having regard to the fact that the relief sought for in the writ petition is of a limited nature, I do not think that this Court will be justified in directing the refund of the amount, which the petitioner had deposited before the Government. It shall always be open for the petitioner to make such a demand before the appropriate authority, after submitting all necessary particulars in that regard.

Reserving this liberty, this writ petition is closed.

Sd/-
A.M.SHAFFIQUE,
JUDGE.

ami/

//True copy//

P.A. to Judge