

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 19TH DAY OF OCTOBER 2015/27TH ASWINA, 1937

W.P(C).No15474 of 2005 (P)

PETITIONER(S):-

REENA TN.,
H.S.A. (ENGLISH), CONCORDIA LUTHERAN H.S.S.,
PEROORKADA, THIRUVANANTHAPURAM.

BY ADVS.SRI.D.KISHORE
SMT.MEERA GOPINATH

RESPONDENT(S):-

1. THE DISTRICT EDUCATIONAL OFFICER, THIRUVANANTHAPURAM.
2. THE MANAGER,
LUTHERAN SCHOOLS, CONCORDIA HIGH SCHOOL COMPOUND,
PEROORKADA, THIRUVANANTHAPURAM.
3. THE HEADMASTER,
CONCORDIA LUTHERAN H.S.S., PEROORKADA, THIRUVANANTHAPURAM.
4. REV. R.VIJAYAKUMAR,
LUTHERAN CHURCH, KANJIRAMKULAM P.O., THIRUVANANTHAPURAM.
5. THE STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,
GENERAL EDUCATIONAL (F) DEPARTMENT, THIRUVANANTHAPURAM.

* ADDL.R6. SONIA S.RAVI,
H.S.A. [ENGLISH],
CONCORDIA LUTHERAN HIGHER SECONDARY SCHOOL,
PEROORKADA, THIRUVANANTHAPURAM.

*[ADDITIONAL 6TH RESPONDENT IS IMPEADED AS PER ORDER
DATED 7.4.2008 IN I.A.NO.4494 OF 2008]

R1 & R5 BY GOVERNMENT PLEADER SRI.S.JAMAL.
R4 BY ADV. SRI.P.R.VENKITESH.
ADDL.R6 BY ADV. SRI.K.T.SHYAMKUMAR.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
19-10-2015, ALONG WITH WPC. 991/2013-Y, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:-

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 TRUE COPY OF THE APPOINTMENT ORDER DATED 1.6.2004.
- EXT.P2 TRUE COPY OF THE COMMUNICATION DATED 12.5.2004 ISSUED
BY THE SECRETARY OF TRIVANDRUM SYNOD TO THE DPI.
- EXT.P3 TRUE COPY OF THE ORDER NO.4/04/SEC/TS DATED 11.5.2004
OF THE SECRETARY, TRIVANDRUM SYNOD.
- EXT.P4 TRUE COPY OF THE G.O.(RT) NO.871/05/G.EDN. DT.28.2.2005
OF THE 5TH RESPONDENT.
- EXT.P5 TRUE COPY OF THE LETTER NO.201/2005 DATED 4.3.2005 OF
THE 2ND RESPONDENT.
- EXT.P6 TRUE COPY OF THE MEMO DATED 7.3.2005 ISSUED BY
THE 3RD RESPONDENT.

RESPONDENT'S EXHIBITS/ ANNEXURES:-

- EXT.R2(A) TRUE COPY OF THE ORDER NO.361/98 DATED 13.9.98
ISSUED BY THE MANAGER OF THE LUTHERAN SCHOOLS.
- EXT.R4(a) TRUE COPY OF THE APPOINTMENT ORDER DATED 4.9.2001.
- EXT.R4(b) TRUE COPY OF THE CERTIFICATE ISSUED BY THE
HEADMASTER, LUTHERAN HIGH SCHOOL.
- ANNEXURE A1 TRUE COPY OF STAFF FIXATION ORDER OF CONCORDIA
LUTHERAN HSS FOR THE YEAR 2004-2005.
- ANNEXURE A2 TRUE COPY OF STAFF FIXATION ORDER OF CONCORDIA
LUTHERAN HSS FOR THE YEAR 2005-2006.
- ANNEXURE A3 TRUE COPY OF THE STATEMENT OF ALLEGATIONS ISSUED
BY THE CORPORATE MANAGEMENT OF LUTHERAN
SCHOOLS TO SMT.T.KANAKAMBIKA, HM,
CONCORDIA LUTHERAN HSS.

VKU/-

[TRUE COPY]

K. Vinod Chandran, J

W.P.(C).Nos.15474 of 2005-P & 991 of 2013-Y

Dated this the 19th day of October, 2015

JUDGMENT

The petitioner in W.P.(C).No.15474 of 2005 is said to have been appointed by the Manager of an aided school, viz., Concordia Lutheran Higher Secondary School, Peroorkada, Thiruvananthapuram, coming under the Corporate Management of Lutheran Schools. The petitioner's appointment is also said to have been approved.

2. Admittedly there were disputes pending as to who is the Manager of the 3rd respondent-school. The 4th respondent in the said writ petition, who styled himself as the Manager, had appointed the petitioner herein. On the basis of P5 communication by the then Manager, the petitioner in W.P.(C).No.991 of 2013, the 3rd respondent issued P6 directing that the petitioner need not continue in the school, since she is said to have been appointed by the earlier Manager, the 4th respondent. In fact, the petitioner was continued by virtue of the interim order of this Court and the same is said to be operative even now.

3. W.P.(C).No.991 of 2013 is filed by the then Manager who had issued Exhibit P5 in W.P.(C).No.15474 of 2005. The learned counsel appearing for the said petitioner now submits that the approval of the Manager is pending consideration before the authorities under the Kerala Education Rules, 1959. The Government eventually by Exhibit P4 produced in W.P.(C).No.991 of 2013 approved the appointment of the petitioner in W.P.(C).No.15474 of 2005, which is challenged by the then Manager in W.P.(C).No.991 of 2013.

In such circumstances, both the writ petitions are permitted to be withdrawn, with liberty. All contentions of either parties are left open.

Sd/-
K.Vinod Chandran
Judge.

vku/-

[true copy]