

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN

WEDNESDAY, THE 25TH DAY OF MARCH 2015/4TH CHAITHRA, 1937

WP(C).No. 11505 of 2008 (T)

PETITIONERS :

1. PARUTHIKUNNAN MOIDEENKUTTY,
PARUTHIKUNNEL HOUSE, ADRISSERY DESOM, TIRUR TALUK
MANAGER, A.M.L.P.SCHOOL, ADRISSERY
TIRUR.
2. MOHAMED RAFI, ARABIC TEACHER (FULL TIME), A.M.L.P.SCHOOL, ADRISSERY
TIRUR.
3. T.FATHIMA SINI,
LOWER PRIMARY SCHOOL ASSISTANT, A.M.L.P.SCHOOL
ADRISSERY, TIRUR.
4. P.K.JAMSHAD, L.P.S.A.,
A.M.L.P.SCHOOL, ADRISSERY, TIRUR.

BY ADVS.SRI.KRB.KAIMAL (SR.)
SRI.ANIL K.NAIR
SRI.B.UNNIKRISHNA KAIMAL
SRI.VMADHUSUDHANAN
SRI.PRAMJI PAUL VAZHAPPILLY

RESPONDENTS :

1. STATE OF KERALA, REPRESENTED BY THE
SECRETARY TO GOVERNMENT OF KERALA
GENERAL EDUCATION DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM.
2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM.
3. THE ASSISTANT EDUCATIONAL OFFICER,
TIRUR.
4. PARUTHIKUNNAN HASSAN,
PONMUNDAM AMSOM, ADRISSERY P.O., TIRUR.

R4 BY ADVS. SRI.K.JAJU BABU
SMT.M.U.VIJAYALAKSHMI
SRI.T.S.SHYAM PRASANTH
R BY SR. GOVERNMENT PLEADER SRI.E.M.ABDUL KHADIR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 11505 of 2008 (T)

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : COPY OF THE NO.K.DIS.E.5795/92 DATED 28.11.1992 ISSUED BY THE 3RD RESPONDENT

EXT.P2 : COPY OF THE ORDER NO.B.2/18280/2000 DATED 3.6.2000 ISSUED BY THE DEPUTY DIRECTOR OF EDUCATION MALAPPURAM

EXT.P3 : COPY OF THE DOCUMENT NO.162/2001 DATED 12.7.2001

EXT.P4 : COPY OF THE PETITION DATED 29.2.2004 FILED BY THE 4TH RESPONDENT BEFORE THE 2ND RESPONDENT

EXT.P5 : COPY OF THE APPEAL DATED 9.6.2004 FILED BY THE 4TH RESPONDENT BEFORE THE 1ST RESPONDENT

EXT.P6 : COPY OF G.O.(RT)NO.4123/04/G.EDN DATED 22.9.2004 ISSUED BY THE GOVERNMENT

EXT.P7 : COPY OF THE ORDER NO.B.1-6683/04 DATED 4.10.2004 ISSUED BY THE DEPUTY DIRECTOR OF EDUCATION, MALAPPURAM

EXT.P8 : COPY OF THE ORDER OF THIS HON'BLE COURT IN WP(C).NO.29917/2004 DATED 12.10.2004

EXT.P9 : COPY OF THE ORDER DATED 2.6.2004 ISSUED BY THE 1ST PETITIONER TO THE 2ND PETITIONER

EXT.P10 : COPY OF THE ORDER DATED 2.6.2004 ISSUED BY THE 1ST PETITIONER TO THE 3RD PETITIONER

EXT.P11 : COPY OF THE ORDER DATED 2.1.2006 ISSUED BY THE 1ST PETITIONER TO THE 4TH PETITIONER

EXT.P12 : COPY OF THE ORDER NO.G2-59217/2006/K.DIS DATED 29.3.2007 ISSUED BY THE 2ND RESPONDENT

EXT.P13 : COPY OF THE REVISION PETITION DATED 25.9.2007 FILED BY THE 4TH RESPONDENT BEFORE THE 1ST RESPONDENT

EXT.P14 : COPY OF THE PRELIMINARY DECREE DATED 18.6.2005 PASSED BY THE SUB COURT, TIRUR IN O.S.NO.125/2002

EXT.P15 : COPY OF THE JUDGMENT DATED 14.12.2007 OF THIS HON'BLE COURT IN WPC.NO.29917 OF 2004

EXT.P16 : COPY OF THE OBJECTION DATED 8.2.2008 SUBMITTED 1ST PETITIONER BEFORE THE 1ST RESPONDENT

EXT.P17 : COPY OF THE ORDER G.O.(RT)NO.1085/08/G.EDN. DATED 29.2.2008 ISSUED BY THE 1ST RESPONDENT

RESPONDENTS' EXHIBITS : NIL

/TRUE COPY/

P.A TO JUDGE

AV

K.SURENDRA MOHAN, J.

W.P.(C) No.11505 of 2008

Dated this the 25th day of March, 2015

J U D G M E N T

The 1st petitioner is the Manager of A.M.L.P.School, Adrissery, Tirur. Petitioners 2 to 4 are teachers appointed by him. This writ petition was filed challenging Ext.P17 order by which, the Government cancelled the appointments of petitioners 2 to 4. The appointments were effected by the 1st petitioner. This writ petition was admitted on 04.04.2008 and an interim order of stay of operation and implementation of Ext.P17 was granted. The said order continues to be in force.

2. It is submitted by the learned counsel appearing for the petitioners as well as the 4th respondent that, the 4th respondent has expired and therefore, the dispute regarding management of the school, that was subsisting between the 1st petitioner and the 4th respondent, is no longer alive. In view of the interim order passed by this Court, petitioners 2 to 4 have been continuing as teachers of the school, till date. They are also being paid salary. In the above circumstances, it is sufficient that this writ petition is disposed of maintaining the interim order that has been passed.

In view of the above, this writ petition is disposed of making the interim order already granted in this writ petition absolute and in terms thereof.

Sd/-
K.SURENDRA MOHAN, JUDGE.

AV