

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

WP(C).No. 8805 of 2015 (A)

PETITIONER:

**M.S. RAKESH KRISHNAN, AGED 24 YEARS
S/O.S.MURALEEDHARAN, CLERK
T.V.THOMAS MEMORIAL ENGLISH HIGH SCHOOL, VELIYAM
(VIA) KOTTARAKKARA, KOLLAM DISTRICT.**

**BY ADVS.SRI.V.A.MUHAMMED
SRI.V.RAJASEKHARAN NAIR**

RESPONDENTS:

- 1. THE STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO GOVERNMENT
GENERAL EDUCATION DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM-695001.**
- 2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
JAGATHY, THIRUVANANTHAPURAM-695014.**
- 3. THE DEPUTY DIRECTOR OF EDUCATION,
KOLLAM DISTRICT-691001.**
- 4. THE DISTRICT EDUCATIONAL OFFICER,
KOTTARAKKARA, KOLLAM DISTRICT-691506.**
- 5. THE MANAGER,
T.V.THOMAS MEMORIAL HIGH SCHOOL, VELIYAM
(VIA) KOTTARAKKARA, KOLLAM DISTRICT-691540.**
- 6. THE HEADMASTER,
T.V.THOMAS MEMORIAL HIGH SCHOOL, VELIYAM
(VIA) KOTTARAKKARA, KOLLAM DISTRICT-691540.**

[CONTD...]

WP(C).No. 8805 of 2015 (A)

**7. SRI.R.ANUROOP,
RAJESWARI BHAVAN, VELIYAM, (VIA) KOTTARAKKARA
KOLLAM DISTRICT-691540.**

**BY ADV. SRI.M.V.THAMBAN
SRI.R.REJI
SMT.THARA THAMBAN
SRI.B.BIPIN
SRI.ARUN BOSE
BY GOVERNMENT PLEADER SMT. A. LOWSY**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS :-

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| EXT.P1 | - | COPY OF THE APPOINTMENT ORDER OF THE PETITIONER |
| EXT.P2 | - | COPY OF THE ORDER OF THE DISTRICT EDUCATIONAL OFFICER DATED 30.11.2012 |
| EXT.P3 | - | COPY OF THE APPEAL FILED BEFORE THE DEPUTY DIRECTOR OF EDUCATION |
| EXT.P4 | - | COPY OF THE ORDER OF THE DEPUTY DIRECTOR OF EDUCATION DATED 10.4.2013 |
| EXT.P5 | - | COPY OF THE REVISION FILED BEFORE THE 2ND RESPONDENT DATED 14.4.2013 |
| EXT.P6 | - | COPY OF THE ORDER OF THE 2ND RESPONDENT DATED 25.7.2013 |
| EXT.P7 | - | COPY OF THE REVISION PETITION FILED BEFORE THE GOVERNMENT BY THE MANAGER DATED 13.8.2013 |
| EXT.P8 | - | COPY OF THE REVISION FILED BEFORE THE GOVERNMENT BY THE PETITIONER 5.8.2013. |
| EXT.P9 | - | COPY OF THE JUDGMENT IN WP(C) NO.21058 OF 2013-F DATED 26.08.2013. |
| EXT.P10 | - | COPY OF THE G.O.(RT) NO.231/14/G.EDN. DATED 16.01.2014 OF THE GOVERNMENT. |
| EXT.P11 | - | COPY OF THE CERTIFICATE OF THE HEADMASTER DATED 04.02.2014. |
| EXT.P12 | - | COPY OF THE CERTIFICATE OF THE SUB TREASURY DATED 17.10.2013.. |
| EXT.P13 | - | COPY OF THE HEARING NOTE WITHOUT ANNEXURE. |
| EXT.P14 | - | COPY OF THE G.O.(RT) NO.844/2015/G.EDN. DATED 02.03.2015 OF THE GOVERNMENT. |
| EXT.P15 | - | COPY OF THE AFFIDAVIT OF THE 7TH RESPONDENT DATED 22.06.2015. |

RESPONDENTS' EXHIBITS:-

- | | | |
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| EXT.R7(A) | - | COPY OF THE AGREEMENT DATED 22.06.2015. |
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//TRUE COPY//

P.A. TO JUDGE

K. VINOD CHANDRAN, J.

W.P(C). No.8805 of 2015

Dated this the 8th day of September, 2015.

JUDGMENT

The petitioner was appointed as a Clerk in the 5th respondent School on 05.11.2012. The 7th respondent is a claimant under Rule 51B of Chapter XIVA, KER, which claim was upheld by Ext.P10. The above writ petition is filed challenging Ext.P10. and Ext.P14 order in review, which confirmed Ext.P10. The petitioner and the 7th respondent have settled the matter out of Court. The 7th respondent has now by Ext.R7(a) filed along with the Counter Affidavit, relinquished his claim under Rule 51B.

In such circumstances, Exts.P10 and P14 would stand set aside on the terms of the compromise entered into by the parties. The petitioner's approval shall be considered in accordance with law, without looking into the claim under Rule 51B, which has been relinquished by the claimant. The approval shall be considered at any rate within a period of two months

from the date of receipt of a copy of this judgment.

The writ petition is disposed of.

Sd/-

**K. VINOD CHANDRAN,
JUDGE**

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