

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN

MONDAY, THE 23RD DAY OF FEBRUARY 2015/4TH PHALGUNA, 1936

WP(C).No. 16191 of 2007 (C)

PETITIONER :

GOPALA.B., RETIRED TEACHER,
VIDYAGIRI HOUSE, PERADALA, KASARAGOD DIST.
(RETIRED AS A UPSA FROM S.A.B.M.U.P.SCHOOL
VIDYAGIRI, P.O.PERADALA, KASARAGOD DIST.).

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENTS :

1. STATE OF KERALA, REPRESENTED BY
SECRETARY TO GOVERNMENT
DEPARTMENT OF GENERAL EDUCATION, SECRETARIAT
THIRUVANANTHAPURAM.
2. THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF FINANCE, SECRETARIAT
THIRUVANANTHAPURAM.
3. THE ACCOUNTANT GENERAL (A&E),
KERALA, OFFICE OF THE ACCOUNTANT GENERAL (A & E)
THIRUVANANTHAPURAM.
4. THE ASSISTANT EDUCATIONAL OFFICER,
KUMBLA AT BADIADKA, PERDALA P.O., KASARAGOD DIST.
5. THE DEPUTY DIRECTOR OF EDUCATION,
KASARAGOD.

R1 TO R5 BY SPL.GOVERNMENT PLEADER SRI.P.V.LONACHAN, FINANCE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 16191 of 2007 (C)

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : COPY OF G.O.(P)NO.399/(178)/99 DATED 5.2.1999

EXT.P2: COPY OF THE FORM OF OPTION, DECLARATION AND CONNECTED PAPERS
DATED 12.4.1999

EXT.P3 : COPY OF THE ENDORSEMENT DATED 7.6.1999

EXT.P4 : COPY OF THE LETTER DATED 29.7.1999

EXT.P5 : COPY OF THE ENDORSEMENT DATED 30.11.1999

EXT.P6 : COPY OF THE LETTER 15.12.1999

EXT.P7 : COPY OF THE LETTER 31.7.2003

EXT.P8 : COPY OF THE LETTER DATED 18.10.2003

EXT.P9 : COPY OF THE JUDGMENT DATED 26.11.2002 IN O.P.NO.35448 OF 2002

EXT.P10 : COPY OF THE JUDGMENT DATED 23.1.2003 IN O.P.NO.26374 OF 2002

EXT.P11 : COPY OF THE JUDGMENT DATED 23.1.2003 IN O.P.NO.2421 OF 2003

EXT.P12 : COPY OF THE JUDGMENT DATED 23.1.2003 IN O.P.NO.2562 OF 2003

EXT.P13 : COPY OF THE JUDGMENT DATED 5.11.2002 IN O.P.NO.21500 OF 2001

EXT.P14 : COPY OF THE JUDGMENT DATED 7.1.2003 IN O.P.NO.299 OF 2003

EXT.P15 : COPY OF THE JUDGMENT DATED 31.1.2005 IN WP(C)NO.3351 OF 2005

EXT.P16 : COPY OF THE REPRESENTATION DATED 31.8.2004 FILED BY THE PETITIONER
BEFORE THE DDE

EXT.P17 : COPY OF THE JUDGMENT DATED 10.3.2005 IN WP(C)NO.8051 OF 2005

EXT.P18 : COPY OF G.O(RT)NO.5499/05/GED DATED 24.11.2005

EXT.P19 : COPY OF THE REVIEW PETITION DATED 28.4.2006 FILED BY THE PETITIONER
BEFORE THE GOVERNMENT

RESPONDENTS' EXHIBITS : NIL

/TRUE COPY/

P A TO JUDGE

AV

K.SURENDRA MOHAN, J.

W.P.(C) No.16191 of 2007

Dated this the 23rd day of February, 2015

J U D G M E N T

The petitioner, a retired Teacher, has filed this writ petition seeking the following reliefs :

- i) To issue a writ of certiorari or other appropriate writ or order quashing Ext.P18 as unjust, illegal and unconstitutional;
- ii) To issue a writ of certiorari or other appropriate writ or order quashing Exts.P3, P5 and P8 as unjust, illegal and unconstitutional;
- iii) to issue a writ of mandamus directing the 1st respondent to accept the re-option exercised by the petitioner in Ext.P2;
- iv) to declare that the petitioner is entitled to the benefit of Exts.P9 to P15 judgments;
- v) to issue a writ of mandamus directing the 1st respondent to take a decision in Ext.P19 review petition and to review Ext.P18 order accordingly;
- vi) To issue such other orders directions or writs as may be prayed for and that this Hon'ble Court may deem fit under the facts and circumstances of the case.

2. The petitioner is aggrieved by the rejection of his re-option that he has exercised by Ext.P2. The petitioner has submitted Ext.P19 review petition against Ext.P18, by which his re-option has been rejected. Ext.P19 is still pending before the 1st respondent. In view of the above, it shall be sufficient that, this writ petition is disposed of directing Ext.P19 to be considered.

This writ petition is, therefore, disposed of directing the 1st respondent to consider Ext.P19 review petition in accordance with law and to pass appropriate orders thereon, as expeditiously as possible and at any rate within a period of three months of the date of receipt of a copy of this judgment, after affording an opportunity of being heard to the petitioner as well as other interested persons.

Sd/-
K.SURENDRA MOHAN, JUDGE.

AV