

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 30TH DAY OF OCTOBER 2015/8TH KARTHIKA, 1937

W.P.(C).No.27853 of 2005 (N)

PETITIONER(S):-

KUNIIYIL DAYANANDAN, AGED 51 YEARS, S/O. GOPALAN,
KAYAPANACHI DESOM, EDACHERY,
VATAKARA TALUK, KOZHIKODE DISTRICT,
WORKING AS HEAD MASTER, THURUTHI L.P.SCHOOL
EDACHERI NORTH, VATAKARA, KOZHIKODE.

BY ADVS.SRI.MANJERI SUNDERRAJ
SRI.B.PREMNATH

RESPONDENT(S):-

1. STATE OF KERALA,
REP. BY SECRETARY TO GOVERNMENT,
MINISTRY OF EDUCATION, GENERAL EDUCATION (L) DEPARTMENT,
TRIVANDRUM.
2. THE DIRECTOR OF PUBLIC INSTRUCTION,
GOVERNMENT OF KERALA, DPI's OFFICE, TRIVANDRUM.
3. THE ASSISTANT EDUCATION OFFICER,
AEO's OFFICE, CHOMBALA, P.O. ALIYUR,
VATAKARA, KOZHIKODE.

* ADDL.R4 IMPEADED:

ADDL.R4. THE HEADMASTER,
THURUTHI L.P.S., EDACHERY NORTH, VATAKARA,
CALICUT

* [ADDITIONAL 4TH RESPONDENT IS IMPEADED AS PER ORDER
DT.28.9.2005 IN W.P.C.]

R1 TO R3 BY GOVERNMENT PLEADER SRI.S.JAMAL.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
30-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

APPENDIX

PETITIONER'S EXHIBITS:-

- | | |
|---------|--|
| EXT.P1 | TRUE COPY OF THE HIGH COURT ORDER DT 25.05.2005 IN WP(C).9619/05. |
| EXT.P2 | TRUE COPY OF AEO'S LETTER DT.4.6.2005. |
| EXT.P3 | TRUE COPY OF PETITIONER'S REPLY TO THE AEO. |
| EXT.P4 | TRUE COPY OF AEO'S LETTER DT.10.06.2005 TO MANAGER. |
| EXT.P5 | TRUE COPY OF AEO'S LETTER DT.13.6/.2005 TO THE PETITIONER. |
| EXT.P6 | TRUE COPY OF ATTENDANT'S REGISTER FOR JUNE 2005. |
| EXT.P7 | TRUE COPY OF ATTENDANT'S REGISTER FOR JULY 2005. |
| EXT.P8 | TRUE COPY OF AEO'S LETTER DT.15.6.2005 TO THE PETITIONER. |
| EXT.P9 | TRUE COPY OF PETITIONER'S REPLY TO AEO. |
| EXT.P10 | TRUE COPY OF TREASURY BILL BOOK WITH ENTRIES FOR APRIL AND MAY 2005. |
| EXT.P11 | TRUE COPY OF LETTER BY SR.SUPERINTENDENT, AEO'S OFFICE DT.01.07.2005 TO THE PETITIONER. |
| EXT.P12 | TRUE COPY OF AEO'S LETTER DT.8.7.2005 TO THE PETITIONER. |
| EXT.P13 | TRUE COPY OF LETTRER BY PETITIONER TO AEO DATED 21.07.2005. |
| EXT.P14 | TRUE COPY OF PETITIONER'S LAWYER NOTICE TO SHO, EDACHERY P.S. |
| EXT.P15 | TRUE COPY OF WRITTEN RECEIPT DT.12.08.2005 BY THE ASSISTANT TEACHER, KUNHAMMED.N. |
| EXT.P16 | MALAYALA MANORAMA DAILY DT 24.08.2005 CONTAINING THE DECISION OF THE KPPHA CONVENTION OF THE CHOBALA SUB DISTRICT. |
| EXT.P17 | TRUE COPY OF THE STAMP PAPER RECEIPT GIVEN BY THE ASSISTANT TEACHER FOR HAVING RECEIVED ALL RECORDS OF THE SCHOOL. |

RESPONDENT'S EXHIBITS:-

vkul/-

[true copy]

K. Vinod Chandran, J

W.P.(C).No.27853 of 2005-N

Dated this the 30th day of October, 2015

JUDGMENT

The petitioner is aggrieved with the fact that though the petitioner was allowed to continue as Headmaster by virtue of Exhibit P1 order, he has not been paid the benefits.

2. W.P.(C).No.9619 of 2005 was filed contending that there is a change in date of birth and the petitioner had approached the Government well within time to effect such change. Admittedly W.P.(C).No.9619 of 2005 was dismissed eventually. In such circumstance, nothing survives in this writ petition, especially since there was no order directing continuance of the petitioner in Exhibit P1 and it was only directed that the retirement of the petitioner would be subject to the result of the writ petition. W.P.(C).No.9619 of 2005 having been dismissed, the petitioner cannot have any claim for salary after retirement.

The writ petition is, hence, dismissed. No costs.

Sd/-

K.Vinod Chandran
Judge.

vku/-

[true copy]