

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 17TH DAY OF JULY 2015/26TH ASHADHA, 1937

WP(C).No. 18286 of 2015 (I)

PETITIONER(S)/PETITIONER:

**VIJAYALAKSHMI.C.H, AGED 63 YEARS
W/O.LATE C.H.BALAKRISHNAN NAMBIAR, CHENAL HOUSE
BAKKALAM POST, KANOOL, KANNUR DISTRICT.**

**BY ADVS.SRI.M.SASINDRAN
SRI.S.SHYAM KUMAR**

RESPONDENT(S)/RESPONDENTS:

- 1. STATE OF KERALA,
DEPARTMENT OF GENERAL EDUCATION
REPRESENTED BY ITS SECRETARY, SECRETARIAT
THIRUVANANTHAPURAM-695001.**
- 2. ASSISTANT EDUCATIONAL OFFICER,
TALIPARAMBA, KANNUR-670 001.**

R1 BY ADV. GOVERNMENT PLEADER, SMT. SOBHA ANNAMMA EAPPEN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
17-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 A TRUE COPY OF THE LEGAL HEIRS CERTIFICATE**
- EXT.P2 A TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN
O.P.14188 OF 2002 DATED 27.5.2010**
- EXT.P3 A TRUE COPY OF THE LAWYER NOTICE ISSUED ON BEHALF OF THE
PETITIONER**
- EXT.P4 A TRUE COPY OF THE NOTICE ISSUED BY THE 1ST RESPONDENT
DATED 21.11.2014**
- EXT.P5 A TRUE COPY OF THE ARGUMENT NOTE SUBMITTED BY THE
PETITIONER BEFORE THE 1ST RESPONDENT.**

RESPONDENT(S)' EXHIBITS

- ANNEXURE R1(a) TRUE COPY OF THE ORDER DATED 31.12.2010 (GO (RT)
5815/2010/GEN.EDN.)**

// True copy //

PA to Judge

das

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 18286 of 2015

Dated this the 17th day of July, 2015

JUDGMENT

The petitioner, who is the wife and legal heir of late C.H.Balakrishnan Nambiar, who expired on 31.12.2014, approached this Court through the present writ petition seeking a direction to the respondents to consider and pass orders on a revision petition, that was filed by the late husband of the petitioner before the 1st respondent. In the writ petition, it was the contention of the petitioner that, although there was a hearing conducted before the 1st respondent on 17.11.2014, no orders were passed by the 1st respondent in the revision petition.

In a statement filed on behalf of the 1st respondent, it is averred that the 1st respondent had considered the revision petition and disposed the matter by Annexure R1(a) order dated 30.12.2010. It is stated that, it was without noticing the said order that the writ petitioner had preferred Ext.P3 representation before the 1st respondent and the 1st respondent conducted a hearing pursuant thereto, to consider the contentions of the writ petitioner. Counsel for the petitioner would now submit that, in view of the fact that Annexure R1(a) order has been passed in the revision petition filed by the late husband of the petitioner, it would be

necessary for the petitioner to challenge the said order in fresh proceedings for seeking any relief. Taking note of the submission, the writ petition is closed as infructuous, without prejudice to the right of the petitioner to agitate her grievance against Annexure R1(a) order before an appropriate forum.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

das