

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 5TH DAY OF AUGUST 2015/14TH SRAVANA, 1937

WP(C).No. 22584 of 2015 (W)

PETITIONER(S)/PETITIONER:

**N.SUSEELAN AGED 74 YEARS
S/O. NEELAKANTAN NADAR, MANAGER, M.G.M.HIGH SCHOOL
POOZHANAD, NEYYATTINKARA, THIRUVANANTHAPURAM DISTRICT.**

**BY ADVS.SRI.V.A.MUHAMMED
SRI.M.SAJJAD**

RESPONDENT(S)/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 DISTRICT EDUCATIONAL OFFICER
NEYYATTINKARA-695121, THIRUVANANTHAPURAM DISTRICT.**
- 4. N.SURENDRAN
KUNDAMATH CHUNDAVILAKATHU VEEDU, KURAVARA
OTTASEKHARAMANGALAM, THIRUVANANTHAPURAM-695125.**
- 5. N.SUBHASHITHAN
KUNDAMATHU VEEDU, MANDAPATHINKADAVU
OTTASEKHARAMANGALAM, THIRUVANANTHAPURAM-695125.**

**R4 BY ADV. SRI.GEORGE POONTHOTTAM
R BY GOVERNMENT PLEADER, SMT. M.J. RAJASREE**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
05-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1- TRUE COPY OF THE TRUST DEED AGREEMENT DATED 8-3-1983.
- EXHIBIT P2- TRUE COPY OF THE ORDER OF THE DISTRICT EDUCATIONAL OFFICER DATED 26-2-2008.
- EXHIBIT P3- TRUE COPY OF THE ORDER NO. B5/20954/10 OF THE DEPUTY DIRECTOR OF EDUCATION DATED 28-6-2012.
- EXHIBIT P4- TRUE COPY OF THE ORDER OF THE DISTRICT EDUCATIONAL OFFICER DATED 8-1-2009.
- EXHIBIT P5- TRUE COPY OF THE ORDER NO. ET(4)/13398/09/DPI/K.DIS. DATED 05-12-2009 OF THE 2ND RESPONDENT.
- EXHIBIT P6- TRUE COPY OF THE JUDGMENT IN WPC NO. 141 OF 2010-P DATED 20-08-2014.
- EXHIBIT P7- TRUE COPY OF THE HEARING NOTE DATED 2-12-2014.
- EXHIBIT P8- TRUE COPY OF THE ORDER NO. B4-4096/2014 OF THE 3RD RESPONDENT DATED 17-01-2015.
- EXHIBIT P9- TRUE COPY OF THE APPEAL FILED BEFORE THE 2ND RESPONDENT ALONG WITH STAY PETITION DATD 23-1-2015.
- EXHIBIT P10- TRUE COPY OF THE JUDGMENT IN WPC 2693/2015-J DATED 28-01-2015.
- EXHIBIT P11- TRUE COPY OF THE ORDER NO. ET(4)/50359/2014/DPI/K.DIS. DATED 30-03-2015 OF THE 2ND RESPONDENT.
- EXHIBIT P12- TRUE COPY OF THE NOTES OF ARGUMENT.
- EXHIBIT P13- TRUE COPY OF THE ORDER NO. ET(4)/50359/14/K.DIS. DATED 30-06-2015 OF THE 2ND RESPONDENT.
- EXHIBIT P14- TRUE COPY OF THE G.O.(RT)NO. 2955/2015/G.EDN DATD 21-07-2015 OF THE GOVERNMENT.

RESPONDENT(S)' EXHIBITS

NIL

// True copy //

PA to Judge

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 22584 of 2015

Dated this the 5th day of August, 2015

JUDGMENT

The grievance in the writ petition is essentially related to a management dispute, which is pending between the petitioner and the 4th respondent, in respect of a school. Ext.P14 order, which is impugned in the writ petition, is an interim order that has been passed by the 1st respondent in a revision petition dated 09.07.2015, that was filed by the 4th respondent before him. The petitioner, who is the rival claimant, is aggrieved by the said order and it is therefore that Ext.P14 order has been impugned in the writ petition.

2. I have heard Sri.V.A. Mohammed, the learned counsel appearing for the petitioner, Sri.George Poonthottam, the learned counsel appearing for the 4th respondent and also Smt.M.J.Rajasree, the learned Government Pleader for the official respondents.

3. On a consideration of the facts and circumstances of the case and the submissions made across the bar, I feel it would be the interests of justice to direct the 1st respondent to consider and pass final orders on the revision petition dated 09.07.2015

preferred by the 4th respondent before him, after hearing the 4th respondent and the petitioner.

The learned Government Pleader on instructions, would submit that a period of one month would be required for the 1st respondent to dispose the revision petition. Taking note of the said submission, I dispose the writ petition with a direction to the 1st respondent to consider and pass orders on the revision petition dated 09.07.2015, filed by the 4th respondent, after hearing the 4th respondent, petitioner and other interested parties, within a period of one month from the date of receipt of a copy of this judgment. The petitioner shall produce a copy of the writ petition, together with a copy of this judgment, before the 1st respondent for further action. The 4th respondent shall furnish a copy of the revision petition, preferred before the 1st respondent, to the petitioner within a period of one week from today, so as to enable the petitioner to effectively represent his case before the 1st respondent, at the time of hearing of the revision petition before the 1st respondent.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE