

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 12TH DAY OF OCTOBER 2015/20TH ASWINA, 1937

WP(C) . No.35066 of 2005 (Y)

PETITIONER(S) :

J.S. LORDSON, S/O. LATE K. JOHNSON,
MUTTACHIL VEEDU, NARUVAMOOD P.O., NEMOM,
THIRUVANANTHAPURAM.

BY ADVS.SRI.P.SREEKUMAR
SRI.K.S.MANU

RESPONDENT(S) :

1. THE STATE OF KERALA, REPRESENTED BY THE
SECRETARY, EDUCATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.
2. THE ADDITIONAL DIRECTOR OF PUBLIC
INSTRUCTION (GENERAL), DIRECTORATE OF
PUBLIC INSTRUCTION, THIRUVANANTHAPURAM.
3. PROF.N. SELVARAJA, EDUCATION
SECRETARY, L.M.S. SCHOOLS, L.M.S. COMPOUND,
THIRUVANANTHAPURAM-33.
4. RT.REV.DR.J.W. GLADSTONE, BISHOP
SOUTH KERALA DIOCESE, L.M.S. COMPOUND,
THIRUVANANTHAPURAM.
5. THE CORPORATE MANAGER,
L.M.S. SCHOOLS, L.M.S. COMPOUND, THIRUVANANTHAPURAM.

R3 TO R5 BY ADVS. SRI.R.T.PRADEEP
SRI.V.VIJULAL

R1&R2 BY SENIOR GOVERNMENT PLEADER K. K. SAIDALAVI

THIS WRIT PETITION(CIVIL)HAVING BEEN FINALLY HEARD ON 12-10-2015
ALONG WITH W.P(C) NO.3612/2006, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C). No.35066 of 2005 (Y)

APPENDIX

PETITIONER'S EXHIBITS:-

P1:- COPY OF THE ORDER DATED 8.11.2005 ISSUED BY THE SECOND RESPONDENT.

P2:- COPY OF THE CONSTITUTION OF THE EDUCATION BOARD AND THE HUMAN RESOURCES DEVELOPMENT COUNCIL.

RESPONDENTS' EXHIBITS:- NIL

KRJ

//TRUE COPY//

P.A TO JUDGE

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) Nos.35066 of 2005 & 3612 of 2006

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Dated this the 12th day of October, 2015

JUDGMENT

In W.P(C) No.35066 of 2005, the petitioner seeks implementation of Ext.P1 order passed by the Additional Director of Public Instructions directing removal of the third respondent.

2. The petitioner made a complaint to the Additional Director of Public Instructions regarding incompetence/ineligibility of the third respondent to continue as Education Board Secretary of L.M.S Schools in the South Kerala Diocese (CSI) since he was a Government servant. The petitioner points out that this Court in W.P (C) No.12509 of 2005 has held that the Government employees are not entitled to hold such post. Accordingly, the Additional Director of Public Instructions directed removal of the third respondent by Ext.P1 order. However, the same was not being implemented. Therefore, the petitioner sought interference of this Court in the matter.

3. W.P(C) No.3612 of 2006 is filed by respondents 3 and 4 in W.P(C) No.35066 of 2005. In that writ petition, they are challenging the legality of Rule 8(2) of Chapter III KER and also Ext.P6 produced

in that case on the ground that it is violative of Article 30 of the Constitution.

4. Today when the matters came up for hearing, it is submitted by both sides that the persons who were holding the office have already vacated and as such both the writ petitions have become infructuous.

Therefore, the writ petitions are closed as infructuous. However, as there is a challenge in W.P(C) No.3612 of 2006 against Rule 8(2) of chapter III KER, the question relating to the validity of Rule 8(2) of Chapter III KER is left open to be decided in appropriate proceedings.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

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