

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

FRIDAY, THE 25TH DAY OF AUGUST 2023 / 3RD BHADRA, 1945

WP(C) NO.28783 OF 2023

PETITIONER :-

BIJU. M THOMAS, AGED 59 YEARS
S/O.LATE K.T.MATHAI, MANAGER, ST.PAULS HIGH SCHOOL,
MAMPILALI, NARIYAPURAM, PATHANAMTHITTA - 689 513.

BY ADVS.
BENNY GERVACIS
BEA MARY BENNY
ABI BENNY AREECKAL

RESPONDENTS :-

- 1 STATE OF KERALA REPRESENTED BY
THE SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695 001
- 2 THE DIRECTOR OF GENERAL EDUCATION,
DIRECTORATE OF GENERAL EDUCATION DEPARTMENT, JAGATHI,
THIRUVANANTHAPURAM, PIN - 695 014
- 3 THE DEPUTY DIRECTOR OF EDUCATION, THIRUVALLA,
PATHANAMTHITTA, PIN - 689 101
- 4 THE DISTRICT EDUCATIONAL OFFICER,
OFFICE OF THE DISTRICT EDUCATIONAL OFFICER,
CIVIL STATION, PATHANAMTHITTA, PIN - 689 645
- 5 JYOTHI VARUGHESE,
JYOTHI VILLA, CHANDRAPALLY P.O,
PATHANAMTHITTA, PIN - 689 648
- 6 THE HEADMASTER,
ST.PAULS HIGH SCHOOL, MAMPILALI, NARIYAPURAM,
PATHANAMTHITTA, PIN - 689 513

SMT.NISHA BOSE, SR.GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
25.08.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 25th day of August, 2023

This writ petition is filed seeking the following reliefs :-

- “(i) a writ of mandamus or any other appropriate writ, direction or order, directing the 2nd respondent to consider and pass appropriate orders on Exhibit P4 revision forthwith.
- (ii) a writ of certiorari or other appropriate writ, direction or order setting aside Ext.P2 and P3 orders issued by the 4th and 3rd respondents.”

2. Heard the learned counsel for the petitioner and the learned Government Pleader.

3. It is submitted by the learned counsel for the petitioner that the petitioner is the Manager of an aided school. The 3rd and 4th respondents have directed the 5th respondent to continue in service beyond 56 years on the contention that his regular appointment was only from 22.7.2021. It is submitted that the 5th respondent had regular appointment from 1995 and was also a Rule 51A claimant. It is, therefore, contended that the appointment on 22.7.2021 cannot be considered as a fresh appointment and the 5th respondent would not have the benefit of continuing in service till the age of 60 years. The petitioner has therefore, preferred Ext.P4 revision petition before the Government and seeks a consideration thereof.

Having heard the learned Government Pleader also, there will be a direction to the 2nd respondent to take up, consider and pass orders on Ext.P4 revision petition preferred by the petitioner with notice to the petitioner as well as the 5th respondent. Appropriate orders shall be passed within a period of two months from the date of receipt of a copy of this judgment. In case Exts.P2 and P3 have not been implemented, implementation shall await the orders to be passed by the 2nd respondent as directed above.

This writ petition is ordered accordingly.

Sd/-
ANU SIVARAMAN
JUDGE

APPENDIX OF WP(C) 28783/2023

PETITIONER EXHIBITS

Exhibit P1 TRUE COPY OF THE COMMUNICATION DATED 02.06.2023
BY THE 6TH RESPONDENT HEAD MASTER TO THE 5TH
RESPONDENT

Exhibit P2 TRUE COPY OF THE ORDER NO. A6/1008/2023 DATED
06.06.2023 BY THE 4TH RESPONDENT

Exhibit P3 TRUE COPY OF THE ORDER DATED 10.08.2023

Exhibit P4 TRUE COPY OF THE ABOVE REVISION PETITION