

P.Damodaran vs State of Kerala

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Court : Kerala

Decided On : Mar-21-2023

Judge : Honourable Mr. Justice Sathish Ninan

Appeal No. : RP/128/2023

Appellant : P.Damodaran

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE SATHISH NINAN
TUESDAY, THE 21ST DAY OF MARCH 2023 / 30TH PHALGUNA, 1944
RP NO. 128 OF 2023 AGAINST THE JUDGMENT DT. 01.12.2017 IN
WP(C) 17369/2009 OF HIGH COURT OF KERALA REVIEW
PETITIONER/PETITIONER: P.DAMODARAN, AGED 63 YEARS, S/O.
MANIYARA RAMAN, VILLAGE ASSISTANT, PADNE VILLAGE,
KASARAGOD DISTRICT, PIN - 671121 BY ADV M.SASINDRAN
RESPONDENTS/RESPONDENTS: 1 STATE OF KERALA
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF GENERAL
EDUCATION, SECRETARIAT, THIRUVANANTHAPURAM, PIN -
695001

2 THE COMMISSIONER OF GOVERNMENT EXAMINATIONS
THIRUVANANTHAPURAM, PIN - 695012 OTHER PRESENT: SRI.
SUNIL KUMAR KURIAKOSE, GOVT. PLEADER THIS REVIEW
PETITION HAVING COME UP FOR ADMISSION ON 21.03.2023, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

SATHISH NINAN, J.

Dated this the 21st day of March, 2023

O R D E R

The writ petition was dismissed by this Court recording the submission of the learned counsel for the petitioner that the matter has become infructuous. The writ petition was filed seeking correction of the date of birth in the school records.

2. The learned counsel for the petitioner had, on a

mistaken comprehension, submitted before the Court that since the petitioner has crossed the retirement age the writ petition has become infructuous. It is accordingly that the writ petition was dismissed as infructuous. The writ petitioner wants to pursue the writ petition. The submission of the learned counsel that the matter has

become infructuous was obviously an error. The judgment

is liable to be reviewed. -: 2 :- Resultantly, the review petition is allowed. The

judgment dated 01.12.2017 is reviewed and recalled. The

writ petition is restored back to file. Sd/- SATHISH NINAN JUDGE kns/- //True Copy// P.S. to Judge APPENDIX OF RP 128/2023 PETITIONER ANNEXURES Annexure AI A TRUE COPY OF THE AFFIDAVIT SWORN TO BY THE COUNSEL FOR THE PETITIONER

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