

G Sadasivan vs Rajendran

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Court : Kerala

Decided On : Feb-22-2022

Judge : Honourable Mr. Justice Raja Vijayaraghavan V

Appeal No. : Con.Case(C)/114/2022

Appellant : G Sadasivan

Respondent : Rajendran

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V TUESDAY, THE 22ND DAY OF FEBRUARY 2022 / 3RD PHALGUNA, 1943 CON.CASE(C) NO. 114 OF 2022 AGAINST THE ORDER IN WP No.27560/2021 OF HIGH COURT OF KERALA PETITIONER/PETITIONER IN THE W.P.(C) : G SADASIVAN, AGED 74 YEARS, S/O.LATE R.GOPALAN, MANAGER, MAYYANAD HIGHER SECONDARY SCHOOL, MAYYANAD P.O., KOLLAM 691 303, RESIDING AT LAL DALE, KUNNUKUZHI, UNIVERSITY P.O., THIRUVANANTHAPURAM 695 034. BY ADV B.MOHANLAL RESPONDENT/4TH RESPONDENT IN THE W.P.(C): SRI. RAJENDRAN, FATHER'S NAME AND AGE NOT KNOWN TO THIS

PETITIONER, THE DISTRICT EDUCATIONAL OFFICER, COLLECTORATE, CUTCHERY P.O., KOLLAM 691 013 SRI. K.M FAISAL, GP THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 22.02.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: CON.CASE(C) NO. 114 OF 2022 2

JUDGMENT

This Contempt case is filed alleging non-compliance of the interim

order dated 07.12.2021 granted by this Court.

2. By order dated 7.12.2021 in W.P.(C) No.27560/2021, this Court had issued directions to the respondent herein to provisionally permit the petitioner to act as the Manager of the Mayyanad Higher Secondary School, Kollam.

3. In the course of proceedings, order dated 17.1.2022, was placed on

record by the learned Government Pleader along with a memo dated 24.1.2022. It appears from the said order that the petitioner has been appointed as the Provisional Manager for the period from 1.7.2021 to 30.6.2022. However, he has been interdicted from making appointments and in dealing with financial matters and PTA funds.

4. Sri. B. Mohanlal, the learned counsel appearing for the petitioner

CON.CASE(C) NO. 114 OF 2022 3 submitted that no such interdictions could have been placed by the DEO, when this Court while passing the interim order had not placed any such restrictions. According to the learned counsel, the petitioner ought to have been permitted to carry out all functions that a Manager is empowered to under Rule 9 of Chapter III of the KER.

5. In response, the learned Government Pleader submitted that the

writ petition is still pending consideration and since an order has been passed in terms of the directions issued by this Court, it is for the petitioner to raise his contentions in the writ petition.

6. In response, Sri. Mohan Lal, the learned counsel appearing for the petitioner submitted that a revision petition has been filed challenging the

order passed by the DEO and the same is pending.

7. Having considered the facts and circumstances and taking note of

the order passed by the DEO in compliance with the directions issued by this Court, I am of the view that it would be proper for the petitioner to raise his contentions in the writ petition which is pending consideration. I do not think CON.CASE(C) NO. 114 OF 2022 4 that a case of contempt is made out. This Contempt Case (C) is closed. Sd/- RAJA VIJAYARAGHAVAN V JUDGE NS CON.CASE(C) NO. 114 OF 2022 5 APPENDIX OF CON.CASE(C) 114/2022 PETITIONER(S) ANNEXURES : Annexure A1 THE TRUE COPY OF THE ORDER DATED O.S.NO.2/1986 OF THE ADDITIONAL DISTRICT JUDGE-I, KOLLAM. Annexure A2 THE TRUE COPY OF THE ORDER DATED 9/11/2021 IN I.A.NO.6/2021 IN I.A.NO.1/2021 IN O.S.NO.2/1986 OF THE ADDITIONAL DISTRICT JUDGE-I, KOLLAM. Annexure A3 THE TRUE COPY OF THE ORDER NO.B5/4001/2020 DATED 27/11/2020 ISSUED BY THE RESPONDENT. Annexure A4 THE CERTIFIED COPY OF THE ORDER DATED HON'BLE COURT.

Annexure A5 THE TRUE COPY OF THE ORDER

NO.B.5/4001/2020 DATED 14/12/2021 ISSUED BY THE RESPONDENT TO THE PETITIONER. RESPONDENT(S) ANNEXURES : NIL

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