

ITEM NO.28

COURT NO.5

SECTION XI-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 2604/2017

(Arising out of impugned final judgment and order dated 06-06-2014 in WA No. 1260/2011 passed by the High Court Of Kerala At Ernakulam)

STATE OF KERALA & ORS.

Petitioner(s)

VERSUS

THE MANAGER, M.T.M. HIGHER SECONDARY SCHOOL

Respondent(s)

Date : 24-01-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE R. BANUMATHI
HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s) Mr. Nishe Rajen Shonker, AOR
Mrs. Anu K. Joy, Adv.
Mr. Alim Anvar, Adv.

For Respondent(s) Mr. Sunil Kumar Verma, Adv.
(SCLSC)

UPON hearing the counsel the Court made the following
O R D E R

Despite issue of notice from this Court, the respondent has not chosen to enter appearance. Accordingly, pursuant to Order dated 07.01.2020, Supreme Court Legal Services Committee has appointed Mr. Sunil Kumar Verma, learned counsel, to appear and argue on behalf of the respondent. We take note of the contention put forward by learned counsel and appreciate the assistance rendered by him. We have heard learned counsel for the parties.

The petitioner-State is before this Court assailing Order dated 06.06.2014 passed by the High Court Of Kerala at Ernakulam in WA No. 1260/2011. By the said order, the Division Bench of the

High Court has upheld order dated 07.04.2011 passed by learned Single Judge of that Court.

Though the contention on merits is urged and learned counsel for the appellant seeks to rely on Rule 12 of the Chapter XXIII of Kerala Education Rules since the same had received for consideration before learned Single Judge as well as the Division Bench of the High Court, we are of opinion that a detail consideration of the same need not be adverted to at this juncture keeping in view the passage of time and the manner in which the approval for additional sections had been granted. Therefore, in the facts and circumstances of the case, we do not find it appropriate to interfere with the order passed by the High Court.

However, we make it clear that the judgment passed by the High Court shall not be treated as precedent in any other case and the question of law relating to Rule 12 of the Chapter XXIII of Kerala Education Rules is kept open to be considered if the same arises in any other case. In terms thereof the special leave petition stands disposed of.

Pending applications, if any, shall also stand disposed of.

(MAHABIR SINGH)
COURT MASTER

(BEENA JOLLY)
BRANCH OFFICER