

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MR.JUSTICE K.HARILAL**

THURSDAY, THE 26TH DAY OF FEBRUARY 2015/7TH PHALGUNA, 1936

WA.No. 408 of 2015 () IN WP(C).28892/2013

APPELLANT(S)/5TH RESPONDENT:

**THE MANAGER,
ELAYIDOM B.V.L.P.SCHOOL, KATAMERY P.O.,
VILLIAPPILLI (VIA), VADAKARA TALUK,
KOZHIKODE DISTRICT, PIN - 673 507**

BY ADV. SRI.R.K.MURALEEDHARAN

RESPONDENT(S)/PETITIONER AND RESPONDENTS 1 to 4 AND 6:

- 1. T.SUMATHI,
(HEAD MISTRESS UNDER SUSPENSION), RESIDING AT SURAJ BHAVAN,
CHOKKLI P.O., THALASSERY TALUK, KANNUR DISTRICT-670 001.**
- 2. STATE OF KERALA,
REPRESENTED BY PRINCIPAL SECRETARY,
GENERAL EDUCATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 3. THE DIRECTOR OF PUBLIC INSTRUCTION,
THIRUVANANTHAPURAM-695 001.**
- 4. THE DISTRICT EDUCATIONAL OFFICER,
VADAKARA, KOZHIKODE - 673 103.**
- 5. THE ASSISTANT EDUCATIONAL OFFICER,
NADAPURAM, KOZHIKODE- 673 105.**
- 6. THE HEADMASTER IN CHARGE,
ELAYIDOM B.V.L.P.SCHOOL, KATAMERY P.O.,
VILLIAPPILLI (VIA), VADAKARA TALUK,
KOZHIKODE DISTRICT - 673 507.**

**R2 TO R5 BY SRI.P.M.SANEER, GOVERNMENT PLEADER
R BY SRI.C.P.PEETHAMBARAN**

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 26-02-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

DG

WA.No. 408 of 2015 ()

APPENDIX

PETITIONER'S EXHIBITS:

- ANNEXURE A1: COPY OF THE RELEVANT PART OF ENQUIRY REPORT
DATED 15.05.2013.**
- ANNEXURE A2: COPY OF THE LETTER DATED 17.6.2013 BY THE
APPELLANT.**
- ANNEXURE A3: COPY OF THE ORDER PASSED BY THE 4TH
RESPONDENT DATED 26.06.2014.**

RESPONDENT'S EXHIBITS - NIL

//TRUE COPY//

P.A TO JUDGE

**THOTTATHIL B.RADHAKRISHNAN &
K.HARILAL, JJ.**

W.A.No.408 of 2015
&
C.M.Appl.No.246 of 2015

Dated this the 26th day of February, 2015

J U D G M E N T

Thottathil B.Radhakrishnan, J.

In so far as the appeal is concerned, the fundamental issue projected is that the appellant who was the 5th respondent in the writ petition was not issued with notice on that writ petition before the decision was rendered by the learned single Judge. If that is the plea, essentially it is a matter where the appellant will have to move for appropriate relief before the learned single Judge in accordance with law, on ground as to non-hearing of the party respondent. We preserve that right and dismiss this writ appeal and C.M.Application at the threshold, without entering further on merits and leaving open all other questions.

Sd/-
(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

Sd/-
(K.HARILAL, JUDGE)

//TRUE COPY//

P.A TO JUDGE