

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC
&
THE HONOURABLE MR. JUSTICE SHAJI P. CHALY

THURSDAY, THE 21ST DAY OF MAY 2015/31ST VAISAKHA, 1937

WA.No. 939 of 2015 () IN WP(C).12786/2014

AGAINST THE ORDER/JUDGMENT IN WP(C) 12786/2014 of HIGH COURT OF KERALA
DATED 20-03-2015

APPELLANT(S)/4TH RESPONDENT:

SMT. MANJOOSHA MATHEW
AMABATTUPOTHYIL HOUSE, THIDANADU P.O.
KOTTAYAM DISTRICT - 686 123.

BY ADV. SRI. GEORGE POONTHOTTAM

RESPONDENT(S)/PETITIONER AND RESPONDENTS 1 TO 3:

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1. THE MANAGER
GRACY MEMORAL HIGH SCHOOL, PARATHODE P.O.
KANJIRAPPALLY, KOTTAYAM.
 2. STATE OF KERALA
REPRESENTED BY THE SECRETARY
GENERAL EDUCATION (H) DEPARTMENT
GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM - 695 001.
 3. THE DEPUTY DIRECTOR OF EDUCATION
KOTTAYAM - 686 507.
 4. THE DISTRICT EDUCATIONAL OFFICER
KANJIRAPPALLY - 686 507.

R1 BY SRI. S. EASWARAN
R2 TO R4 BY SR. GOVT PLEADER M. A. FAYAZ

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 21-05-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC & SHAJI P.CHALY, JJ.

W.A.No.939 of 2015

Dated this the 21st day of May, 2015

JUDGMENT

Antony Dominic, J.

- 1.This appeal is filed by the 4th respondent in W.P(C). 12786/14 which was filed by the first respondent herein. The first respondent is the Manager of an aided school under the Kerala Education Act and the Rules. In contemplation of disciplinary action alleging certain misconducts, orders were issued by him placing the appellant under suspension. To cut a long story short, by Ext.P20 order, the Government revoked the order of suspension in which reference was made to Ext.P19. It was challenging Exts.P19 and P20, the first respondent filed the writ petition. By the judgment under appeal, learned single Judge set aside Exts.P20 and P21, a consequential order, and directed completion of the disciplinary action within three months from 20.3.2015, the date of the judgment. It is this judgment which is under challenge before us.
- 2.We heard the counsel for the appellant, learned counsel for the first respondent and learned

Government Pleader appearing for the official respondents.

3. Although learned counsel for the appellant contended that in the circumstances of the case and particularly when the complaint based on which the appellant was placed under suspension was withdrawn, the Government was justified in revoking the suspension of the appellant, we are unable to agree with him. If a misconduct has been committed and disciplinary action was initiated, withdrawal of the complaint based on which the proceedings has been initiated, in our view, cannot, by itself, result in diluting the misconduct nor can it affect the disciplinary action initiated. If that be so, withdrawal of the complaint, the sole reason relied on by the Government in Ext.P20 order, alone could not have led to the revocation of suspension. We do not, therefore, find any merit in this appeal.

Appeal fails. It is accordingly dismissed.

Sd/-
ANTONY DOMINIC, Judge.

Sd/-
SHAJI P. CHALY, Judge.

kkb.

/True copy/

PS to Judge