

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ANTONY DOMINIC
&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

FRIDAY, THE 26TH DAY OF JUNE 2015/5TH ASHADHA, 1937

WA.No. 1216 of 2015 () IN WP(C).5158/2015

AGAINST THE ORDER/JUDGMENT IN WP(C) NOS. 4387 & 5158 OF 2015
of HIGH COURT OF KERALA DATED 23-03-2015

APPELLANT:

THE MANAGER
JANATHA HIGHER SECONDARY SCHOOL,
THEMPAMMOOD, PULLAMPARA (P.O.)
THIRUVANANTHAPURAM - 695 607.

BY ADVS. SRI.C.P.SUDHAKARA PRASAD (SR.)
SRI.S.RAMESH
SRI.NAVEEN.T
SMT.POOJA SURENDRAN

RESPONDENTS:

1. SUSHAMA L
W/O. SREEKANDAN NAIR, AGED 56,
HEADMISTRESS, JANATHA HIGHER SECONDARY SCHOOL,
THEMPAMMOOD, PULLAMPARA (P.O.)
THIRUVANANTHAPURAM - 695 607.
RESIDING AT KOVIL VILAKOM, PANCHAYAT OFFICE,
VENJARAMMOOD, THIRUVANANTHAPURAM - 695 003.
2. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
3. THE DEPUTY DIRECTOR OF EDUCATION,
KILLIPPALAM, THIRUVANANTHAPURAM - 695 032.

BY SENIOR GOVERNMENT PLEADER SRI.M.A. FAYAZ

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
26-06-2015 ALONG WITH WA. 1219/2015, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:

smv

**ANTONY DOMINIC
&
SHAJI P. CHALY, JJ.**

W.A. Nos.1216 & 1219 of 2015

Dated this the 26th day of June, 2015

JUDGMENT

Antony Dominic,J.

Heard the Senior Counsel for the appellant, learned Government Pleader and the counsel for the party respondent.

2. These writ appeals are filed against the judgments in Writ Petition Nos.5158 of 2015 and 4387 of 2015 respectively and the appellant in these appeals is the Manager of Janatha Higher Secondary School, Thempammood, Thiruvananthapuram.

3. W.P.(C) No.4387 of 2015 was filed by the appellant, mainly against Exts.P6, P7 and P13 orders, which were passed by the respective authorities including the Government in the context of his request for extension of the order of suspension passed against the 4th respondent therein, the Headmistress of the school. W.P.(C) No.5158 of 2015 was filed by the Headmistress seeking her reinstatement in service.

4. These writ petitions were disposed of by a common judgment of the learned Single Judge, declining to interfere with the orders impugned in Writ Petition No.4387 of 2015 and directing that in view of the fact that the Headmistress was due to retire on 31.3.2015, she shall be reinstated in service. It was also ordered that the respondents in W.P.(C) No.5158 of 2015 shall pay salary and allowances to the Headmistress. The learned Single Judge also gave liberty to the appellant to impose any minor penalty against the Headmistress, if so warranted, in accordance with law. Accordingly she was re-instated, a minor penalty was imposed and the Headmistress retired from service on 31.03.2015.

5. Having regard to the development subsequent to the judgement, in these appeals now the only question that survives is regarding the validity of Exts.P6, P7 and P13 to the extent that action is proposed to be taken against the Manager on the alleged non-compliance of the orders of the Educational Authorities and also the observations made by the Government in Ext.P13 with respect to the gravity of the charges.

6. In so far as the action in that is proposed against the

Manager and mentioned in Exts.P6 and P7 is concerned, so far no action has been taken. In such circumstances and considering the fact that pursuant to the directions in the judgement under appeal, the teacher has already been reinstated, and that she has also retired from service, we do not think that there is any warrant to permit any further action against the Manager as stated therein. Similarly, we find from Ext.P13 that certain observations made therein suggest that the charges do not have any substance. These observations were made by the Government while considering the revision filed by the Manager against an order declining to extend the order of suspension. Therefore, these observations could have meant only that the gravity of the charges do not justify continued suspension of the delinquent and could not have been made to absolve the Headmistress from the charges totally. Therefore, we clarify the observations contained in Ext.P13 as above.

7. In such circumstances, these writ appeals are disposed of clarifying the position as above.

It is also clarified that this judgment will not in any manner prejudice the rights, if any, of the teacher to pursue her

remedies against the minor punishment imposed by the Manager.

Sd/-
ANTONY DOMINIC
JUDGE
Sd/-
SHAJI P. CHALY
JUDGE

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smv

P.A. to Judge