

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 8TH DAY OF JANUARY 2015/18TH POUSHA, 1936

WP(C).No. 2003 of 2013 (A)

PETITIONER :

**KURIAN JACOB.A., AGED 49 YEARS,
S/O.A.K.JACOB, ARANGASSERY HOUSE,
ERNANELLOOR.P.O., THRISSUR, PIN-680 501.**

**BY ADVS.SRI.P.MARTIN JOSE
SRI.P.PRIJITH
SRI.THOMAS P.KURUVILLA
SRI.S.VAIDYANATHAN
SRI.S.SREEKUMAR (SR.)**

RESPONDENTS :

- 1. THE STATE OF KERALA
REPRESENTED BY PRINCIPAL SECRETARY,
GENERAL EDUCATION DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM. PIN-695 001.**
- 2. THE DIRECTOR,
VOCATIONAL HIGHER SECONDARY EDUCATION,
HOUSING BOARD BUILDING, SANTHI NAGAR,
THIRUVANANTHAPURAM. 695 001.**
- 3. THE MANAGER,
SEETHI SAHIB MEMORIAL VOCATIONAL
HIGHER SECONDARY SCHOOL (S.S.M.V.H.S.S.)
EDAKKAZHYOOR, CHAVAKKAD, THRISSUR, PIN-680 515.**

**R1 BY GOVERNMENT PLEADER SMT. LILLY K.T.
R3 BY ADV. SRI.V.A.MUHAMMED
R3 BY ADV. SRI.M.SAJJAD**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 08-01-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

bp

APPENDIX

PETITIONER(S) EXHIBITS

- P1: TRUE COPY OF ORDER NO.E7/172/08 DATED 03.12.2008 PASSED BY THE 3RD RESPONDENT.**
- P2: TRUE COPY OF ORDER DTD. 20.02.2009 OF 2ND RESPONDENT.**
- P3: TRUE COPY OF ORDER DTD. 17.02.2010 OF THE SECRETARY, GENERAL EDUCATION DEPT. GOVT. OF KERALA.**
- P4: TRUE COPY OF ORDER DTD. 26.03.2010 OF 3RD RESPONDENT.**
- P5: TRUE COPY OF REPLY DATED 08.04.2010 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.**
- P6: TRUE COPY OF ORDER DTD. 31.05.2010 BEARING NO.E7/172/08 OF 3RD RESPONDENT.**
- P7: TRUE COPY OF THE JUDGMENT IN W.P[C]NO.11979/2012 DATED 25.05.2012 OF THIS HON'BLE COURT.**
- P8: TRUE COPY OF ORDER DATED 13.08.2012 PASSED BY THE 2ND RESPONDENT.**
- P9: TRUE COPY OF REVISION PETITION DATED 12.10.2012 FILED BY THE PETITIONER.**
- P10: TRUE COPY OF LETTER DATED 07.12.12 ISSUED BY THE POSTAL DEPARTMENT.**

RESPONDENTS' EXHIBITS : NIL.

//TRUE COPY //

P.A. TO JUDGE

bp

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 2003 of 2013

Dated this the 8th day of January, 2015

J U D G M E N T

The limited prayer in this writ petition is for a direction to the Government to dispose of Ext.P9 revision, which is now pending with the Government.

2. The petitioner has been working as non-vocation teacher in Biology in SSMVHSS under the 3rd respondent since 21.10.1992. He was placed under suspension by Ext.P1 order, which was challenged in appeal. By Ext.P2 order, the 2nd respondent revoked suspension of the petitioner. The same was confirmed by Ext.P3 order in revision filed by the 3rd respondent. By Ext.P3 order, the 3rd respondent was directed to finalize the disciplinary proceedings against the petitioner as per the Rules under the Kerala Education Rules. The petitioner alleges that the 3rd respondent, without complying with mandatory provisions under Chapter XIV(A) of the Kerala Education Rules, passed Ext.P4 provisional order imposing punishment and confirmed Ext.P4 by Ext.P6 final order. The petitioner

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challenged Ext.P6 order before the 2nd respondent in appeal. The 2nd respondent, pursuant to the direction of this Court, disposed of the appeal after hearing the petitioner as well as the 3rd respondent by Ext.P8 order. Challenging Ext.P8 order, the petitioner filed Ext.P9 revision before the Government, which is now pending.

3. The respondent Government has filed a counter affidavit, wherein they have admitted the maintainability of Ext.P9 revision.

Therefore, the writ petition is disposed of directing the 1st respondent to pass orders on Ext.P9 revision after affording the petitioner an opportunity of being heard.

The entire exercise shall be completed within a period of two months from the date of receipt of a copy of this judgment. To facilitate an early action, the petitioner shall be at liberty to produce a copy of this judgment before the 1st respondent within a period of two weeks.

Sd/-
A.V. RAMAKRISHNA PILLAI,
JUDGE

bka/-