

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

WP(C) .No. 3211 of 2013 (B)

PETITIONER(S) :

RAJU B AGED 46 YEARS
PHYSICAL EDUCATION TEACHER, BHAVANS VIDYA MANDIR
ELAMAKKARA, ERNAKULAM.

BY ADVS.SRI.T.A.SHAJI (SR.)
SRI.M.A.ASIF
SMT.NAMITHA JYOTHISH

RESPONDENT(S) :

1. THE BHARATIYA VIDYA BHAVAN
KOCHI KENDRA, T.D. ROAD, ERNAKULAM
KOCHI - 682 011, REPRESENTED BY ITS SECRETARY.

2. THE DIRECTOR
BHARATIYA VIDYA BHAVAN, KOCHI KENDRA, T.D ROAD
ERNAKULAM, KOCHI - 682 011.

3. NIRMALA VENKETESWARAN
PRINCIPAL, BHAVANS VIDYA MANDIR, GIRINAGAR
KOCHI - 682 020.

4. THE COMMANDING OFFICER
21 KERALA BN NCC, ERNAKULAM, KOCHI - 682 011.

RR1 TO 3 BY ADV. SRI.K.ANAND (SR.)
RR1 TO 3 BY ADV. SMT.LATHA KRISHNAN
RR4 BY ADV. SRI.N.NAGARESH,ASG OF INDIA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
09-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS:

EXHIBIT-P1-TRUE COPY OF THE CERTIFICATE DATED 10/03/2006 ISSUED BY THE 3RD RESPONDENT.

EXHIBIT-P2-TRUE COPY OF THE REPORT SUBMITTED BY THE PETITIONER TO THE 3RD RESPONDENT WITH COPY TO RESPONDENTS 1,2 AND 4.

EXHIBIT-P3-TRUE COPY OF THE MEMO DATED 29/11/2012 ISSUED BY THE 2ND RESPONDENT.

EXHIBIT-P4-TRUE COPY OF THE LETTER DATED 17/10/2012 ADDRESSED BY THE 4TH RESPONDENT TO THE 3RD RESPONDENT.

EXHIBIT-P5-TRUE COPY OF THE LETTER DATED 01/01/2013 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.

EXHIBIT-P6-TRUE COPY OF THE ORDER NO. 34132/A2/99/H.EDN. DATED 07/06/2000.

EXHIBIT-P7-TRUE COPY OF THE LETTER NO. 12556/A2/05/H.EDN. DATED 11/05/2005 OF THE GOVERNMENT TRANSFERRING THE PETITIONER.

EXHIBIT-P8-TRUE COPY OF THE LETTER DATED 03/01/2013 ADDRESSED BY THE 4TH RESPONDENT TO THE 3RD RESPONDENT.

EXHIBIT-P9-TRUE COPY OF THE ORDER DATED 01/08/2006 ISSUED BY THE 4TH RESPONDENT GRANTING COMMISSION OF NCC TO BHAVANS VIDYA MANDIR, GIRINAGAR.

EXHIBIT-P10-TRUE COPY OF THE REPRESENTATION DATED 12/01/2013 SUBMITTED BY THE PETITIONER TO THE CHAIRMAN OF THE 1ST RESPONDENT.

EXHIBIT-P11-TRUE COPY OF THE LETTER DATED 14/01/2013 TRANSFERRING THE PETITIONER TO BHAVANS VIDYA MANDIR, ELAMAKKARA.

EXHIBIT-P12-TRUE COPY OF THE LETTER DATED 14/01/2013 ADDRESSED by the 4TH RESPONDENT TO THE 2ND RESPONDENT.

EXHIBIT-P13-TRUE COPY OF THE JUDGMENT IN W.P(C) 1597/2013

EXHIBIT P14-TRUE COPY OF INTERIM ORDER IN WPC NO.2046/2013 OF the HON'BLE HIGH COURT

EXHIBIT P15-TRUE COPY OF THE LETTER DTD 01.02.2013 ISSUED BY THE 3rd RESPONDENT TO THE PETITIONER

EXHIBIT P16-TRUE COPY OF THE LETTER DTD 01.02.2013 ISSUED BY THE PRINCIPAL, BHAVANS VIDYA MANDIR, ELAMAKKARA TO THE PETITIONER

EXHIBIT P17-TRUE COPY OF JOINING REPORT DTD 05.02.2013 SUBMITTED BY THE PETITIONER BEFORE THE VICE PRINCIPAL, BHAVANS VIDYA MANDIR GIRINAGAR

EXHIBIT P18-TRUE COPY OF THE PETITION FILED BY THE PETITIONER BEFORE THE CHIEF MINISTER

EXHIBIT P19-TRUE COPY OF THE CHARGE MEMO DTD 2305.2013 ISSUED BY THE 2nd RESPONDENT TO THE PETITIONER

EXHIBIT P20-TRUE COPY OF THE RESIGNATION LETTER SUBMITTED BY THE CHAIRMAN JUSTICE K.PADMANABHAN NAIR

EXHIBIT P21-TRUE COPY OF THE RESIGNATION LETTER SUBMITTED BY THE BOARD MEMBER SRI. M G RAMEN (IPS Retd.)

EXHIBIT P22-TRUE COPY OF THE RESIGNATION LETTER SUBMITTED BY THE PRESIDENT, PTA EXECUTIVE COMMITTEE OF BHAVANS VIDYA MANDIR, GIRINAGAR

EXHIBIT P23-TRUE COPY OF THE COMPLAINT SUBMITTED BY the PTA MEMBERS OF OTHER SCHOOLS UNDER BHARATIYA VIDYA BHAVAN

EXHIBIT P24-TRUE COPY OF THE LETTER ADDRESSED BY THE CHAIRMAN TO THE PRINCIPAL AND SCHOOL MANAGEMENT COMMITTEE

EXHIBIT P25-TRUE COPY OF THE FIR FILED BY the SUB INSPECTOR OF POLICE, ERNAKULAM TOWN SOUTH POLICE STATION

RESPONDENTS' EXHIBITS :NIL

True Copy/

P A to Judge

A.MUHAMED MUSTAQUE, J.
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W.P(C).No.3211 of 2013
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Dated this the 09th day of April, 2015

JUDGMENT

Petitioner filed this Writ Petition against a transfer order. Petitioner was working as Physical Education Teacher in Bhavans Vidya Mandir, Girinagar. Petitioner was transferred to Bhavans Vidya Mandir, Elamakkara on 14.01.2013. The relief sought by the petitioner is for a direction to the respondents 1 to 3 to transfer him back to Bhavans Vidhya Mandir, Girinagar.

2. Learned counsel for the respondents submits that petitioner is working in the Bhavans Vidhya Mandir, Elamakkara for the last two years. It is also contended that Writ Petition is not maintainable.

3. This Court is of the view, if petitioner has any grievance, petitioner is at liberty to approach CBSE. This Court cannot direct a private school to transfer back petitioner to another school under this agency. With the above liberty, Writ Petition is closed.

In that view of the matter, Writ Petition is closed.

Sd/-
A.MUHAMED MUSTAQUE, JUDGE.

Sbna/18/04/15