

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 20TH DAY OF JANUARY 2015/30TH POUSHA, 1936

WP(C).No. 814 of 2015 (B)

PETITIONER(S):

THE MANAGER, AIDED U.P. SCHOOL, MOOLANGOD,
PALAKKAD DISTRICT

BY ADV. DR.GEORGE ABRAHAM

RESPONDENT(S):

1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT, GOVERNMENT OF KERALA,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM 695 001

2. ASSISTANT EDUCATIONAL OFFICER,ALATHUR,PALAKKAD
DISTRICT PIN 678 541

3. K.V SHAILAJA,
HEADMISTRESS, AIDED U.P SCHOOL, MOOLANGOD
PALAKKAD DISTRICT PIN 678 684

R BY GOVERNMENT PLEADER SRI.V.VIJULAL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
20-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 814 of 2015 (B)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1 TRUE COPY OF THE JUDGMENT DATED 29-05-2014 OF THE DIVISION
BENCH IN WA NO 429/2014

EXHIBIT P2 TRUE COPY OF THE MEMORANDUM OF CHARGES ALONG WITH CHARGES
LEVELED AGAINST, DATED 16-01-2013 ISSUED TO THE 3RD RESPONDENT BY THE
PETITIONER

EXHIBIT P3 TRUE COPY OF THE REPORT DATED 02-08-2014 SUBMITTED BY THE
2ND RESPONDENT

EXHIBIT P4 TRUE COPY OF THE REVISION FILED BY THE PETITIONER ON 17-
08-2014 BEFORE THE 1ST RESPONDENT

EXHIBIT P5 TRUE COPY OF THE ORDER DATED 19-11-2014 PASSED BY THE 1ST
RESPONDENT

RESPONDENT(S) ' EXHIBITS

-----: NIL

/TRUE COPY/

P.S. TO JUDGE.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No. 814 OF 2015

Dated this the 20th day of January, 2015

JUDGMENT

The petitioner is the Manager of an aided U.P. School, Moolangod. The manager initiated enquiry proceedings against the 3rd respondent-Headmistress of the school in terms of Chapter 14A Rule 75 of KER. However, the AEO, by Ext.P3, instead of conducting enquiry, passed an order with a message to the parties concerned to reach at compromise and sustain co-operation among the management, teachers, etc. The petitioner, thereafter, moved the Government in revision by Ext.P4. By Est.P5, the Government directed the petitioner to file revision petition before the next higher level. Challenging this order, the writ petition is filed.

2. The learned Government Pleader placed before me a communication dated 19/1/2015 issued by the Secretary to Government, which reads as follows:

"Inviting attention to the reference cited, I am to inform you that the direction of the Hon.Court in the Judgment in WA 429/14 is to the Manager, AUPS, Mollangod to regularise the period of suspension of the Headmistress. But the Manager demanded further enquiry through the Assistant Educational Officer. The Assistant Educational Officer tendered the enquiry report, but the manager is not willing to accept it and he approached Government to cancel the enquiry report and institute a fresh enquiry by Government. Hence Government directed the manager to approach the next higher authority i.e. Deputy Director of Education /Director of Public Instruction.

Government have examined further this case and entrusted the Director of Public Instruction to conduct an enquiry in this regard and submit a report to Government within two weeks. "

3. In view of the willingness of the Government to conduct enquiry, I am of the view that no further orders are required. However, I am of the opinion that the time given to the Director of Public Instruction to conduct enquiry is too short. Therefore, the Director of Public Instructions shall conduct full fledged enquiry in the matter, after hearing the petitioner, the 3rd respondent and any other affected persons if necessary, within a period of two months from the date of receipt of a copy of this

judgment and file a report before the Government in terms of the communication.

The writ petition is disposed of as above.

Sd/-

**A.MUHAMED MUSTAQUE,
Judge.**

dpk

/true copy/

P.S . to Judge.