

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 29TH DAY OF JANUARY 2015/9TH MAGHA, 1936

WP(C).No. 2627 of 2015 (C)

PETITIONER(S):

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

BY ADVS.SRI.BABU KARUKAPADATH
SMT.M.A.VAHEEDA BABU
SRI.K.A.NOUSHAD
SRI.P.U.VINOD KUMAR
SRI.KANDAMPULLY RAHUL
SRI.MITHUN BABY JOHN
SRI.J.RAMKUMAR

RESPONDENT(S):

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

2. THE DEPUTY DIRECTOR OF EDUCATION
THIRUVANANTHAPURAM - 695 001.

3. THE DISTRICT EDUCATIONAL OFFICER
ATTINGAL - 695 003.

4. L.SUSHAMA, AGED 56 YEARS
W/O.SREEKANDAN NAIR, KOVIL VILAKAM
PANCHAYATH OFFICE ROAD, VENJARAMMOODU
THIRUVANANTHAPURAM-695 003.

R BY GOVERNMENT PLEADER: SRI M A FAYAZ SR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
29-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS:

EXT.P-1: A TRUE COPY OF ONE OF SUCH REQUEST PLACED BY THE PETITIONER BEFORE THE 4TH RESPONDENT

EXT.P-2: A TRUE COPY OF THE NOTICE DATED 1.12.2014 ISSUED BY THE PETITIONER TO THE 4TH RESPONDENT

EXT.P-3: A TRUE COPY OF THE EXPLANATION DATED 8.12.2014

EXT.P-4: A TRUE COPY OF THE MEMO OF CHARGES DATED 18.12.2014 ALONG WITH STATEMENT OF ALLEGATIONS ISSUED BY THE PETITIONER TO THE 4TH RESPONDENT

EXT.P-5: A TRUE COPY OF THE ORDER OF SUSPENSION DATED 18.12.2014 ISSUED BY THE PETITIONER

EXT.P-6: A TRUE COPY OF THE EXPLANATION DATED 26.12.2014 SUBMITTED BY THE 4TH RESPONDENT BEFORE THE PETITIONER

EXT.P-7: A TRUE COPY OF THE ORDER DATED 14.1.2015 ISSUED BY THE 2ND RESPONDENT WHICH WAS RECEIVED BY THE PETITIONER ON 17.1.2015

RESPONDENT(S) ' EXHIBITS:NIL

A.MUHAMMED MUSTAQUE, J.

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W.P(C).No.2627 of 2015

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Dated this the 29th day of January, 2015

JUDGMENT

Petitioner, Manager of the Janatha Higher Secondary School, approached this Court aggrieved by Ext.P7 order passed by the Deputy Director of Education interfering with the suspension order passed by the Manager and reinstating the 4th respondent in service. By Ext.P7, Deputy Director of Education found that suspension is illegal and 4th respondent is liable to be reinstated. Petitioner submits that he shall avail alternate remedy of revision under Rule 92 of Chapter 14A of the Kerala Education Rules.

2. In view of the above, this Court need not interfere with the order passed by the Deputy Director of Education. Petitioner can invoke statutory remedy before the Government. Petitioner has two fold contention, one is with respect to lack of jurisdiction and other relates to non application of mind. I am of the view, petitioner can raise these contentions before the Government in revision. Therefore, petitioner shall move the Government within seven days from the date of receipt of a copy of this judgment by invoking jurisdiction under Rule 92 of

Chapter XIVA of the Kerala Education Rules. Petitioner shall also move an application to stay the operation of Ext.P7 order before the Government. To work out petitioner's alternate remedy, the impugned order shall kept suspended for a period of two weeks from today.

The Writ Petition is disposed of.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE.

Sbna/29/01/15