

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

TUESDAY, THE 27TH DAY OF OCTOBER 2015/5TH KARTHIKA, 1937

WP(C).No. 4974 of 2015 (V)

PETITIONER :

**SANTHOSH B.,
AGED 44, KOLLAKKARAN PUTHEN VEEDU,
POOYAPPALLY P.O., POOYAPPALLY, KOLLAM.**

BY ADV. SRI.SAJU J. PANICKER

RESPONDENTS :

- 1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO GOVERNMENT
EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM-695 001.**
- 2. DEPUTY DIRECTOR OF EDUCATION,
KOLLAM- 691 001.**
- 3. DISTRICT EDUCATIONAL OFFICER,
PUNALUR, KOLLAM-691 001.**
- 4. SUB - DISTRICT EDUCATIONAL OFFICER,
CHADAYAMANGALAM, KOLLAM-691 001..**
- 5. ASSISTANT EDUCATIONAL OFFICE,
CHADAYAMANGALAM, KOLLAM-691 001.**
- 6. THE MANAGER,
S N V L P S., PULLUPANA, KADAKKAL
KOLLAM, KERALA-691 001.**
- 7. THE HEAD MASTER,
S N V L P S, PULLUPANA, KADAKKAL
KOLLAM, KERALA-691 001.**

R1 TO R5 BY SR. GOVT. PLEADER SRI. C.K. SYAMKUMAR

R6 BY ADVS. SRI.K.SIJU

SRI.B.SUGATHAN

R7 BY ADV. SRI.S.ABHILASH

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Mn

...2/-

APPENDIX

PETITIONERS' EXHIBITS :

- EXT.P1: THE TRUE COPY OF THE SHOW CAUSE NOTICE DATED 19/12/2012 OF THE 6TH RESPONDENT.
- EXT.P2: THE TRUE COPY OF THE LETTER DATED 23/12/2012 GIVEN BY SRI.SAJEEV C. FATHER OF JITHU.
- EXT.P3: THE TRUE COPY OF THE NOTICE DATED 22/01/2013 ISSUED BY THE 4TH RESPONDENT.
- EXT.P4: THE TRUE COPY OF THE LETTER DATED 30/01/2013 ISSUED BY THE 4TH RESPONDENT.
- EXT.P5: THE TRUE COPY OF THE LETTER DATED 08/05/2013 ISSUED TO THE 6TH RESPONDENT.
- EXT.P6: THE TRUE COPY OF THE MEMO DATED 05/07/2013 ISSUED BY THE 6TH RESPONDENT.
- EXT.P7: THE TRUE COPY OF THE NOTICE DATED 24/07/2013 ISSUED BY THE 4TH RESPONDENT.
- EXT.P8: THE TRUE COPY OF THE HEARING NOTICE DATED 07/08/2013.
- EXT.P9: THE TRUE COPY OF THE ORDER DATED 23/09/2013 OF THE 3RD RESPONDENT.
- EXT.P10: THE TRUE COPY OF THE ORDER NO. B1-3877/2013 DATED 19/12/2013 OF THE 3RD RESPONDENT.
- EXT.P11: THE TRUE COPY OF REQUEST DATED 16/07/2014 GIVEN TO THE 6TH RESPONDENT BY THE PETITIONER.

RESPONDENT(S)' EXHIBITS :

- EXT. R6(a) COPY OF REVISION PETITION SUBMITTED BY THE MANAGER S.N.V.L.P.S., PULLUPANA BEFORE THE GOVERNMENT DATED 7.1.2014.
- EXT. R6(b) COPY OF MEMO DATED 14.6.2011 ISSUED BY THE MANAGER TO THE PETITIONER.
- EXT. R6(c) COPY OF EXPLANATION GIVEN BY THE PETITIONER DATED 20.6.2011.
- EXT. R6(d) COPY OF CHARGE MEMO DATED 19.12.2012 ISSUED BY THE MANAGER.

(Contd...)

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EXT. R6(e) COPY OF EXPLANATION DATED 28.12.2012.

EXT. R6(f) COPY OF SUSPENSION ORDER DATED 15.1.2013.

**EXT. R6(g) COPY OF ORDER PASSED BY THE 5TH RESPONDENT BY VIDE
NO. C. 4320/2012 DATED 30.1.2013.**

**EXT. R6(h) COPY OF DETAILED ENQUIRY REPORT ALONG WITH THE COVERING
LETTER DATED 13.6.2013.**

//TRUE COPY//

P.A. TO JUDGE

Mn

A.M.SHAFIQUE, J

W.P.C.No.4974 of 2015

Dated this the 27th day of October 2015

J U D G M E N T

Petitioner has approached this Court seeking implementation of Ext.P10 order passed by the District Educational Officer by which the disciplinary action taken against the petitioner has been set aside and there was a direction to reinstate him in service treating the period of suspension as eligible leave.

2. Counter affidavit has been filed by the State Government inter alia stating that pursuant to Ext.P10 order, appropriate directions have been issued to the Manager to reinstate the petitioner.

3. 6th respondent has filed a counter affidavit stating that against Ext.P10 order, they filed a revision petition before the Government as Ext.R6(a) which is pending consideration.

4. Learned counsel for the petitioner submits that he has not received any notice of Ext.R6(a) so far.

5. Having regard to the limited relief sought for in the above writ petition and having regard to the contentions urged on behalf of the management, I am of the view that appropriate direction can be issued to the Government to dispose of Ext.R6(a) within a time frame, after hearing the affected parties.

In the result, this writ petition is disposed of directing the 1st respondent to consider Ext.R6(a) and pass appropriate orders after hearing the affected parties including the petitioner within a period of two months from the date of receipt of a copy of this judgment.

(sd/-)

(A.M.SHAFFIQUE, JUDGE)

jsr

True Copy

PA to Judge

