

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 26TH DAY OF FEBRUARY 2015/7TH PHALGUNA, 1936

WP(C) .No. 6068 of 2015 (G)

PETITIONER(S) :

T. CHANDRAPRAKASH,
HEADMASTER (UNDER SUSPENSION) ,
AIDED JUNIOR BASIC SCHOOL, KATAMPAZHIPURAM,
PALAKKAD - 678 633,
RESIDING AT "KRISHNA KRIPA", THAZHATHETHIL HOUSE,
KATAMPAZHIPURAM P.O., PALAKKAD - 678 633.

BY ADV. SRI.KALEESWARAM RAJ.

RESPONDENT (S) :

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1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF GENERAL EDUCATION, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
 2. DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM - 695 001.
 3. DISTRICT EDUCATIONAL OFFICER,
MANNARKKAD - 678 582.
 4. ASSISTANT EDUCATIONAL OFFICER,
CHERPULASSERRY, PALAKKAD - 678 635.
 5. THE MANAGER,
AIDED JUNIOR BASIC SCHOOL, KATAMPAZHIPURAM,
PALAKKAD - 678 633.
 6. M.K.RAVI,
HEADMASTER INCHARGE, AIDED JUNIOR BASIC SCHOOL,
KATAMPAZHIPURAM, PALAKKAD - 678 633.

BY SENIOR GOVERNMENT PLEADER SRI. V.VIJULAL.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 26-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXT. P1- TRUE COPY OF THE SUSPENSION ORDER DATED 29.12.2014 ISSUED BY THE 5TH RESPONDENT.

EXT. P2- TRUE OCPY OF THE ORDER DATED 9.1.2015 ISSUED BY THE 4TH RESPONDENT.

EXT. P3- TRUE OCPY OF THE EXPLANATION/REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 4TH RESPONDENT.

EXT. P4- TRUE COPY OF TH FIR NO.0869/14 DATED 17.12.2014.

EXT. P5- TRUE OCPY OF THE LETTER DATED 9.1.2015 ISSUED BY THE MANAGER TO THE 6TH RESPONDENT.

EXT. P6- TRUE COPY OF THE REVISION PETITION SUBMITTED BY THE MANAGER BEFORE THE 1ST RESPONDENT

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.MUHAMED MUSTAQUE, J.

W.P.(C)No.6068 of 2015

Dated this the 26th day of February, 2015

JUDGMENT

The petitioner is the teacher, who was suspended by the Manager pending disciplinary proceedings. The order of suspension was interfered by the Assistant Educational Officer. This writ petition is filed by the teacher on account of non-implementation of the order passed by the Assistant Educational officer.

2. The learned counsel appearing for the Manager would submit that he has approached the Government challenging the order passed by the Assistant Educational Officer and this Court as per the judgment in W.P.(C) Nos.4302/2015 directed the Government to take a decision in the revision and also to consider the stay application filed by the petitioner within two weeks. It is submitted that the

teacher cannot as a matter of right claim reinstatement.

However, the learned counsel appearing for petitioner, Sri.Kaleeswaram Raj points out that proviso to Sub Rule 7 of Rule 67 of Chapter XIV KER and submits that the teacher cannot be placed under suspension beyond the period of 15 days without the previous sanction of the Educational Officer concerned. I am not expressing anything on the merits while the contentions put forward before me. The Assistant Educational Officer has interfered with the suspension order. In view of the fact that the petitioner shall be directed to be reinstated forthwith by the Manager. However, this will be subject to any decision by the Government in the revision filed by the Manager.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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