

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.T.RAVIKUMAR

FRIDAY, THE 6TH DAY OF NOVEMBER 2015/15TH KARTHIKA, 1937

WP(C).No. 9127 of 2013 (M)

PETITIONERS:

1. PRADEEP G.K
VOCATIONAL INSTRUCTOR IN MLT
ST.JOHN'S VOCATIONAL HIGHER SECONDARY SCHOOL
UMMANNOOR, KOLLAM DISTRICT.
2. KOSHY ABRAHAM
LAB TECHNICAL ASSISTANT IN RBKC
ST.JOHN'S VOCATIONAL HIGHER SECONDARY SCHOOL
UMMANNOOR, KOLLAM DISTRICT.
3. SAVEEN.S.L.
LAB TECHNICAL ASSISTANT IN CA
ST.JOHN'S VOCATIONAL HIGHER SECONDARY SCHOOL
UMMANNOOR, KOLLAM DISTRICT.
4. THOMAS.K., PEON,
ST.JOHN'S VOCATIONAL HIGHER SECONDARY SCHOOL
UMMANNOOR, KOLLAM DISTRICT.

BY ADVS.SRI.NIDHI BALACHANDRAN
SRI.SABU GEORGE

RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO THE GOVERNMENT
DEPARTMENT OF GENERAL EDUCATION (VOCATIONAL
HIGHER SECONDARY EDUCATION)
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM
PIN-695001.
2. THE DIRECTOR
VOCATIONAL HIGHER SECONDARY EDUCATION
DIRECTORATE OF VOCATIONAL HIGHER SECONDARY EDUCATION
THIRUVANANTHAPURAM, PIN-695001.
3. THE ASSISTANT DIRECTOR
VOCATIONAL HIGHER SECONDARY EDUCATION
OFFICE OF THE ASSISTANT DIRECTOR, REGIONAL OFFICE
KOLLAM, PIN-691001.

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4. THE MANAGER

ST. JOHN'S VOCATIONAL HIGHER SECONDARY SCHOOL
UMMANOOR, KOTTARAKKARA, KOLLAM DISTRICT
PIN-691520.

R4 BY ADV. SRI.V.M.KURIAN

R4 BY ADV. SRI.MATHEW B. KURIAN

R1 -R 3 BY GOVERNMENT PLEADER SRI.SHISEN P. MANGUZHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
06-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS

EXHIBIT P1: COPY OF THE ORDER NO.1150/2012 DATED 27.3.2012

EXHIBIT P2: COPY OF THE LETTER NO.L1/1735/2012 DATED 18.6.2012

EXHIBIT P3: COPY OF THE SO-CALLED COMPLAINT DATED 24.3.2012

EXHIBIT P4: COPY OF THE REPRESENTATION IN RESPECT OF ONE
SMT.USHAKUMARI

EXHIBIT P4(A): COPY OF THE REPRESENTATION IN RESPECT OF ONE SRI.
RAVEENDRAN NAIR

EXHIBIT P4(B): COPY OF THE REPRESENTATION IN RESPECT OF ONE SRI.
MANIMOHAN PILLAI

EXHIBIT P4(C): COPY OF THE REPRESENTATION IN RESPECT OF ONE
SRI.SASIDHARAN PILLAI

EXHIBIT P4(D): COPY OF THE REPRESENTATION IN RESPECT OF ONE SRI.
RAMAKRISHNA PILLAI

EXHIBIT P5: COPY OF THE G.O.(MS)NO.31/10/G.EDN. DATED 24.2.2010

EXHIBIT P6: COPY OF THE ORDER DATED 24.5.2012

EXHIBIT P7: COPY OF THE REPORT NO.L1/1735/2012 DATED 10.4.2012

EXHIBIT P8: COPY OF THE ORDER NO.E3/5335/2012 DATED 14.5.2012

EXHIBIT P9: COPY OF THE MEMO OF CHARGES DATED 29.5.2012 ALONG WITH A
STATEMENT OF ALLEGATION

EXHIBIT P10: COPY OF THE WRITTEN STATEMENT DATED 27.6.2012 SUBMITTED
BY THE 1ST PETITIONER BEFORE THE 4TH RESPONDENT

EXHIBIT P10(A): COPY OF THE WRITTEN STATEMENT DATED 27.6.2012
SUBMITTED BY THE 2ND PETITIONER BEFORE THE 4TH
RESPONDENT

EXHIBIT P10(B): COPY OF THE WRITTEN STATEMENT DATED 27.6.2012
SUBMITTED BY THE 3RD PETITIONER BEFORE THE 4TH
RESPONDENT

EXHIBIT P10(C): COPY OF THE WRITTEN STATEMENT DATED 27.6.2012
SUBMITTED BY THE 4TH PETITIONER BEFORE THE 4TH
RESPONDENT

EXHIBIT P11: COPY OF THE REVISION PETITION FILED BY THE PETITIONERS
BEFORE THE GOVT. ON 21.07.2012

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EXHIBIT P11(A): COPY OF THE STAY PETITION DT.27.12.2012 FILED BY THE
PETITIONERS

EXHIBIT P12: COPY OF THE JUDGMENT DT.27.7.2012 IN WPC.NO.17000/2012

EXHIBIT P13: COPY OF THE G.O(RT)NO.4204/2012/G.EDN. DT.6.9.2012

EXHIBIT P14: COPY OF THE NOTICE NO.43713/SC1/2012/G.EDN. DT.18.09.2012

EXHIBIT P15: COPY OF THE HEARING NOTE DT.25.09.2012 SUBMITTED ON
BEHALF OF THE PETITIONERS BEFORE THE HEARING OFFICER

EXHIBIT P16: COPY OF THE NOTICE NO.E3/5335/12 DT.18.2.2013

EXHIBIT P17: COPY OF THE GO(RT)NO.1899/2013/G.EDN. DATED 30.4.2013.

EXHIBIT P18: COPY OF THE REQUEST DT.18.5.2013

EXHIBIT P19: COPY OF THE COMPLAINT AGAINST THE MANAGER ON 22.5.2013.

EXHIBIT P16: COPY OF THE NOTICE NO.E3/5335/12 DT.18.2.2013

RESPONDENTS' EXHIBITS: NIL

// TRUE COPY //

TKS

P.S. TO JUDGE

C.T.RAVIKUMAR, J.

W.P.(C)No.9127 of 2013

Dated 6th November, 2015

JUDGMENT

The first petitioner is working as Vocational Instructor in Medical Lab Technology in St.John's Vocational Higher Secondary School, Ummannoor under the managership of the 4th respondent. Petitioners 2 and 3 are Lab Technical Assistants therein and the 4th petitioner is a Peon in the said school. Pending disciplinary proceedings they were placed under suspension as per Ext.P1 order dated 27.3.2012. They challenged the same before different authorities and ultimately approached the first respondent by filing Ext.P11 revision petition under Rule 92 of Chapter XIV A of Kerala Education Rules. They moved a stay petition also in the said revision petition. However, the same was not taken up for consideration. Aggrieved by the non-consideration of the stay petition and also the delay in the matter of consideration of the revision petition W.P.(C) No.17000 of 2012 was filed. That writ petition was disposed of as per Ext.P12 judgment with a direction to the first respondent herein to consider the stay petition, which was marked therein as Ext.P11(a) and pass appropriate orders. Admittedly, the stay petition was taken

up for consideration by the first respondent in compliance with the directions and the same was dismissed as per Ext.P13. After the dismissal of the stay petition there occurred considerable delay in the matter of consideration of the revision petition and that constrained the petitioner to file this writ petition. This writ petition has been filed *inter alia* praying for a direction to the first respondent to pass orders on Ext.P11 revision petition, the hearing of which was conducted as early as on 25.9.2012. Now, it is the common case of the petitioners and the respondents that a final order was passed by the first respondent in the said revision petition on 30.4.2013. Evidently, as per the order dated 30.4.2012 invoking the power under Rule 75(a) of Chapter XIVA of KER the first respondent revoked the suspension of the petitioners and directed the 4th respondent Manager to reinstate them forthwith and to finalise the disciplinary action within the time stipulated thereunder. True that, feeling aggrieved by the said order bearing No.GO(Rt) No.1899/2013/Gl.Edn. dated 30.4.2013 the 4th respondent filed W.P.(C) No.12759 of 2013. The petitioners herein are respondents 4 to 7 in the said writ petition. The facts expatiated above would reveal that nothing survives for consideration in this writ petition and essentially, in view of the challenge against the order in the revision petition mounted by the 4th respondent herein in W.P.(C)No.12759 of 2013 and also taking into

consideration of the fact that the petitioners herein are respondents therein, reserving their right to defend the said order in W.P.(C) No.12759 of 2013 this writ petition is closed.

Sd/-
C.T.RAVIKUMAR
Judge

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