

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 28TH DAY OF JULY 2015/6TH SRAVANA, 1937

WP(C).No. 12118 of 2015 (L)

PETITIONER(S):

**THE MANAGER,M.H.S.S,MUNNIYOOR AGED 58 YEARS
MALAPPURAM DIST. THROUGH POWER OF ATTORNEY HOLDER SAIDALAVI
VALIYAKKATHU PUTHIYAMALIAKKAL, MUNNIYOOR, TIRUR**

**BY ADVS.SRI.KURIAN GEORGE KANNANTHANAM (SR.)
SRI.TONY GEORGE KANNANTHANAM
SRI.THOMAS GEORGE**

RESPONDENT(S):

**1. THE DIRECTOR OF PUBLIC INSTRUCTIONS
TRIVANDRUM 695001**

**2. THE DISTRICT EDUCATIONAL OFFICER
THIROORANGAD, MALAPPURAM DIST. 676306**

3. THE DEPUTY DIRECTOR OF EDUCATION, MALAPPURAM 676 519

**Addl.R4 K.K.KUMARAN, KUMAR NIVAS, EDACHERY NORTH,
EDACHERY VILLAGE, VADAKARA TALUK, KOZHIKODE DISTRICT**

(IS IMPEADED AS PER ORDER DATED 09.07.2015 IN IA 8184 OF 2015)

**ADDL-RR4 BY ADV. SRI.P.K.VIJAYAMOHANAN
ADDL-RR4 BY ADV. SRI.GILBERT GEORGE CORREYA
ADDL-RR4 BY ADV. SRI.NISHIL.P.S.
ADDL-RR4 BY ADV. SRI.ANTONY ROBERT DIAS
BY GOVERNMENT PLEADER, SMT. M.J. RAJASREE**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
28-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF THE PROCEEDINGS DATED 28.2.2013 OF THE PETITIONER
- EXT.P2: TRUE COPY OF THE ORDER NO.B5/2183/2013 DATED 16.3.2013 OF THE 2ND RESPONDENT
- EXT.P3: TRUE COPY OF THE LETTER DATED 1.7.2013 FROM THE PETITIONER TO THE 2ND RESPONDENT
- EXT.P4: TRUE COPY OF THE COVERING LETTER DATED 27.8.2013 ISSUED FROM THE 2ND RESPONDENT
- EXT.P5: TRUE COPY OF THE ENQUIRY REPORT OF -DO-
- EXT.P6: TRUE COPY OF THE ORDER DATED 1.11.2013 OF THE PETITIONER
- EXT.P7: TRUE COPY OF THE ORDER DATED 30.5.2014 ISSUED FROM THE 3RD RESPONDENT
- EXT.P8: TRUE COPY OF THE ORDER DATED 13.6.2014 ISSUED FROM THE 3RD RESPONDENT
- EXT.P9: TRUE COPY OF THE LETTER DATED 26.3.2015 FROM THE 2ND RESPONDENT
- EXT.P10: TRUE COPY OF THE CHARGE MEMO DATED 9.3.2015 ISSUED FROM THE 3RD RESPONDENT

RESPONDENT(S)' EXHIBITS

- EXT.R4(a) TRUE COPY OF THE ORDER DATED 28.04.2014 IN BAIL APPLICATION No.2399 OF 2015 OF THIS HON'BLE COURT.
- EXT.R4(b) TRUE COPY OF THE ORDER DATED 05.06.2015 IN BAIL APPLICATION No.2865 OF 2015 OF THIS HON'BLE COURT.

// True copy //

PA to Judge

A.K.JAYASANKARAN NAMBIAR, J.

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W.P.(C). No. 12118 of 2015

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Dated this the 28th day of July, 2015

JUDGMENT

The petitioner, who is the manager of an aided school, has preferred this writ petition, challenging Ext.P10 charge memo dated 09.03.2015, that was issued to one Saithalavi, who is shown in the charge memo as the manager of the school. The averments in the writ petition would reveal that the said Sri.Saithalavi is not the manager of the school and in fact, he is only the power of attorney holder of the manager. The said aspect is not disputed even by the respondents, who would agree that the said Saithalavi is not the manager of the school. Under the said circumstances, I am of the view that there is force in the contention of the learned senior counsel appearing for the petitioner that, no proceedings can be initiated or continued against him based on Ext.P10 charge memo. Resultantly, I quash Ext.P10 charge memo, insofar it is relied upon to proceed against the petitioner, since Ext.P10 memo itself indicates that the person sought to be proceeded against is the power of attorney holder of the manager and not the Manager of the school. I make it clear, however, that the respondents can proceed against the manager of the school, if they are so advised.

The writ petition is disposed as above.

Sd/-

A.K.JAYASANKARAN NAMBIAR
JUDGE