

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 10TH DAY OF SEPTEMBER 2015/19TH BHADRA, 1937

W.P.(C).No.15668 of 2015 (G)

PETITIONER(S):

SURESH KUMAR. Y., AGED 46 YEARS, S/O.YESUDASAN,
HEAD MASTER, LUTHERN LP SCHOOL,
DYMUCK, PEERUMADE, IDUKKI

BY ADV. SRI.S.NIDHEESH.

RESPONDENT(S):-

1. THE DEPUTY DIRECTOR OF EDUCATION,
IDUKKI - 685584.
2. THE ASSISTANT EDUCATIONAL OFFICER,
PEERUMADE - 685531.
3. THE MANAGER,
LUTHERN L.P.S., DYMOCK, VANDIPERIYAR,
IDUKKI - 685533.

R1 & R2 BY GOVERNMENT PLEADER SMT.J.J.RAJASREE.
R3 BY ADVS. SRI.T.A.UNNIKRISHNAN
SRI.K.S.PRAVEEN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
10-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

APPENDIX

PETITIONER(S)' EXHIBITS:-

- EXT.P1: TRUE COPY OF THE APPOINTMENT ORDER DATED 08.04.2010.
- EXT.P2: TRUE COPY OF THE REQUEST DATED 18.08.2010.
- EXT.P3: TRUE COPY OF THE REQUEST OF THE PETITIONER WITH PARTICULARS.
- EXT.P4: TRUE COPY OF THE REQUEST OF THE PETITIONER WITH PARTICULARS.
- EXT.P5: TRUE COPY OF THE REPORT OF THE 2ND RESPONDENT DATED 28.06.2014.
- EXT.P6: TRUE COPY OF THE ORDER DATED 01.09.2014.
- EXT.P7: TRUE COPY OF THE MEMO OF CHARGES DATED 16.09.2014.
- EXT.P8: TRUE COPY OF THE WRITTEN STATEMENT OF THE PETITIONER DATED 04.11.2014.
- EXT.P9: TRUE COPY OF THE ORDER OF THE 3RD RESPONDENT DATED 05.05.2015.

RESPONDENT(S)' EXHIBITS:-

- EXT.R3(a) TRUE COPY OF THE NOTICE DATED 18.03.2013 ISSUED BY THE THIRD RESPONDENT.
- EXT.R3(b) TRUE COPY OF THE COMPLAINT DATED 12.12.13.
- EXT.R3(c) TRUE COPY OF THE LETTER DATED 16.12.2013.
- EXT.R3(d) TRUE COPY OF THE ORDER DATED 17.3.2014 ISSUED BY THE ASSISTANT EDUCATIONAL OFFICER.
- EXT.R3(e) TRUE COPY OF THE LAST PAGE OF THE REPORT OF THE ASSISTANT EDUCATIONAL OFFICER.
- EXT.R3(f) TRUE COPY OF THE LETTER DATED 14.8.2014.

- EXT.R3(g) TRUE COPY OF THE MEMO OF CHARGES ALONG WITH STATEMENTS OF ALLEGATIONS DATED 14.9.2014.
- EXT.R3(h) TRUE COPY OF THE STATEMENTS RECORDED DURING THE ENQUIRY.
- EXT.R3(i) TRUE COPY OF THE ENQUIRY REPORT SUBMITTED BY THIRD RESPONDENT TO ASSISTANT EDUCATIONAL OFFICER.
- EXT.R3(j) TRUE COPY OF THE LETTER DATED 22.4.2015 ISSUED BY THE ASSISTANT EDUCATIONAL OFFICER.

Vku/-

[true copy]

K. Vinod Chandran, J

W.P.(C).No.15668 of 2015-G

Dated this the 10th day of September, 2015

JUDGMENT

The petitioner is aggrieved with the fact that, the petitioner has been reverted from service as per Exhibit P9, while the preliminary enquiry report at Exhibit P5 does not find the petitioner guilty of any of the offences.

2. However, the management, respondent No.3, has filed a counter affidavit, in which the enquiry report has been produced. It has been specifically averred that the petitioner has failed to produce the entire enquiry report and the last page has been produced as Exhibit R3(e), wherein the allegations are seen to have been found against the petitioner in the preliminary enquiry itself. The learned counsel for the management submits that, this warranted the suspension of the petitioner. Subsequently, the Manager has conducted an enquiry and had also found the allegations to be proved, upon which the reversion was ordered with the permission of the Department as per Exhibit P9.

3. Exhibit P9 is an appealable order. In such circumstance, the petitioner would necessarily have to approach the appellate authority for consideration of the same. However, the interim order cannot be continued, since the petitioner had wilfully suppressed the last page of the enquiry report, in the writ petition filed. In such circumstance, the petitioner would be entitled to approach the appellate authority within a period of one month from today and in that event, the appellate authority shall not take into account the delay caused, since the writ petition was pending from 26.05.2015 onwards. If the petitioner files an interim application, the appellate authority shall also consider the same, after hearing the Manager, untrammelled by any of the observations made by this Court on the question of suppression of material facts before this Court.

The writ petition is disposed of, without any observation on merits.

Sd/-
K.Vinod Chandran
Judge.

vku/-

[true copy]