

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 1ST DAY OF OCTOBER 2015/9TH ASWINA, 1937

WP(C).No. 20156 of 2009 (L)

PETITIONER:

**MALLIKA M., 'NIRMALAYAM',
MEENANGADI, WAYANAD DISTRICT.**

**BY ADVS. SRI.VINOD J.DEV
SRI.PRAMOD J. DEV**

RESPONDENTS:

- 1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY
DEPARTMENT OF EDUCATION, STATE SECRETARIAT
THIRUVANANTHAPURAM.**
- 2. THE DISTRICT EDUCATION OFFICER,
KALPETTA, WAYANAD DISTRICT.**
- 3. THE HEADMASTER
ST.PETER'S & ST.PAUL'S ENGLISH U.P.SCHOOL, MEENANGADI
WAYANAD DISTRICT.**
- 4. THE MANAGER
ST.PETER'S & ST.PAUL'S ENGLISH U.P.SCHOOL, MEENANGADI
WAYANAD DISTRICT.**
- 5. SHYJA K.M., HINDI TEACHER
ST.PETER'S & ST.PAUL'S ENGLISH, U.P.SCHOOL, MEENANGADI
WAYANAD DISTRICT.**

**BY GOVERNMENT PLEADER SRI. S. JAMAL
BY ADVS. SRI.M.RAMESH CHANDER (SR.)
SRI.ANEESH JOSEPH**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).No. 20156 of 2009 (L)

APPENDIX

PETITIONER'S EXHIBITS:-

- EXHIBIT P1 - COPY OF CERTIFICATE ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER ON 04.06.2009.
- EXHIBIT P2 - COPY OF COMMUNICATION DATED 13.05.2009 ISSUED BY THE 4TH RESPONDENT TO THE PETITIONER.
- EXHIBIT P3 - COPY OF REPRESENTATION DATED 06.06.2009 SUBMITTED BY THE PETITIONER BEFORE THE AUTHORITIES.

RESPONDENTS' EXHIBITS:- NIL

//TRUE COPY//

P.A. TO JUDGE

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K. VINOD CHANDRAN, J.

W.P(C). No.20156 of 2009

Dated this the 1st day of October, 2015.

JUDGMENT

The petitioner is aggrieved with the fact that the petitioner has been terminated from the employment, to which she was appointed in the 4th respondent School on 10.08.1992. The petitioner is said to have been appointed as a Hindi teacher in the 4th respondent School. Ext.P2 order shows that the petitioner had voluntarily resigned from the service. However, the petitioner contends that she has not resigned and in fact the same was a termination and that too, without any notice or enquiry conducted.

2. The petitioner relies on Rule 3 of Chapter XIV AA, KER to maintain the above writ petition on the ground that even in the unaided Schools, Rule 3 of Chapter XIV AA, KER mandates that the service of no teacher or non-teaching staff shall be

terminated by the management without conducting a domestic enquiry. However, the documents indicate that the petitioner had resigned from service.

3. The Government has also filed a Counter Affidavit, in which it is indicated that the petitioner had never approached any statutory authority with any complaint against the School or violation of the provisions in the KER.

4. In such circumstances, this Court is of the view that, the subject matter is one in which evidence has to be adduced, since factual disputes are involved. This Court is unable to grant any relief to the petitioner under Article 226 of the Constitution of India.

The writ petition hence would stand dismissed. No costs.

Sd/-

**K. VINOD CHANDRAN,
JUDGE**

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//True Copy//

P.A. to Judge.