

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 18TH DAY OF JUNE 2015/28TH JYAISHTA, 1937

WP(C).NO. 16724 OF 2015 (M)

PETITIONER(S):

K.SANAL KUMARI AGED 52 YEARS
W/O.CHANDRAN.O, HEADMISTRESS, ALPS
POLUR, KUNNAMANGALAM, KOZHIKODE-673 571
RESIDING AT PAKALEDATH HOUSE, P.O.MERIKKUNNU
KOZHIKODE-673012.

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENT(S):

1. STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT
DEPARTMENT OF GENERAL EDUCATION, SECRETARIAT
THIRUVANANTHAPURAM-695 001.

2. THE DIRECTOR OF PUBLIC INSTRUCTIONS
THIRUVANANTHAPURAM-695001.

3. THE DISTRICT EDUCATIONAL OFFICER
THAMARASSERY, KOZHIKKODE. 673 573.

4. THE ASSISTANT EDUCATIONAL OFFICER
KUNNAMANGALAM, KOZHIKKODE-673 571.

5. MANAGER
ALP SCHOOL, POLUR, KUNNAMANGALAM
KOZHIKKODE.673571.

6. K.P.SUJATHA
TEACHER, A.L.P.S, POLUR
KUNNAMANGALAM, KOZHIKKODE.673571.

7. BLOCK PROGRAMME OFFICER
B.R.C. KUNNAMANGALAM, MANASSERRY-673 602.

8. PADMANABHAN
VATTIMUNDA, P.O.PARAMBIL, VIA MERIKUNNU
KOZHIKODE.673012.

BY GOVERNMENT PLEADER SMT.M.J.RAJASREE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
18-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) .No. 16724 of 2015 (M)

WP(C) .NO. 16724 OF 2015 (M)

APPENDIX

PETITIONER(S) ' EXHIBITS

P1- A TRUE COPY OF THE SUSPENSION ORDER DATED 22.03.2010 ISSUED BY THE 5TH RESPONDENT MANAGER.

P2- A TRUE COPY OF THE ORDER DATED 26.03.2010 ISSUED BY THE 4TH RESPONDENT ALONG WITH ORDER NO.3/2010 DATED 05.04.2010.

P3- A TRUE COPY O THE SUSPENSION ORDER DATED 16.06.2011.

P4- A TRUE COPY OF THE ORDER DATED 21.06.2011 ISSUED BY THE 4TH RESPONDENT.

P5- A TRUE COPY OF THE ORDER DATED 01.07.2011 ISSUED BY THE 4TH RESPONDENT.

P6- A TRUE COPY OF THE ORDER DATED 24.08.2011 ISSUED BY THE 1ST RESPONDENT.

P7- A TRUE COPY OF THE ORDER DATED 17.12.2012 ISSUED BY THE 5TH RESPONDENT.

P8- A TRUE COPY OF THE LETTER DATED 13.12.2012 OF THE 4TH RESPONDENT.

P9- A TRUE COPY OF THE REPRESENTATION/EXPLANATION DATED 20.12.2012 SUBMITTED BY THE PETITIONER TO THE 5TH RESPONDENT.

P10- A TRUE COPY OF THE LETTER DATED 28.12.2012 SUBMITTED BY THE PETITIONER BEFORE THE 4TH RESPONDENT ALONG WITH ACKNOWLEDGMENT CARD.

P11- A TRUE COPY OF THE ORDER DATED 29.12.2012 ISSUED BY THE 4TH RESPONDENT.

P12- A TRUE COPY OF THE REVIEW PETITION FILED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.

P13- A TRUE COPY OF THE STATEMENT NOTE SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT AT THE HEARING ON 27.02.2013.

P14- A TRUE COPY OF THE ORDER DATED 22.04.2013 ISSUED BY THE 3RD RESPONDENT.

P15- A TRUE COPY OF THE REPRESENTATION DATED 10.06.2013 SUBMITTED BY THE PETITIONER.

P16- A TRUE COPY OF THE LETTER DATED 13.06.2013 ISSUED BY THE 4TH RESPONDENT.

P17- A TRUE COPY OF THE REPRESENTATION DATED 26.06.2013 SUBMITTED BY

WP(C).No. 16724 of 2015 (M)

THE PETITIONER BEFORE THE 1ST RESPONDENT.

P18- A TRUE COPY OF THE MEMO OF CHARGES AND STATEMENT OF ALLEGATION.

P19- A TRUE COPY OF THE EXPLANATION/DEFENCE STATEMENT DATED 22.04.2013 SUBMITTED BY THE PETITIONER.

P20- A TRUE COPY OF THE STATEMENT OF ALLEGATIONS AND CHARGE MEMO DATED 04.07.2013.

P21- A TRUE COPY OF THE REPLY DATED 22.04.2013 SUBMITTED BY THE PETITIONER TO EXHIBIT P20.

P22- TRUE COPY OF G.O(RT)NO.5469/2012 DATED 17.12.2013.

P23- TRUE COPY OF THE ENDORSEMENT DATED 26.12.2013.

P24- TRUE COPY OF THE COMMON JUDGMENT DATED 7.4.2014 IN W.P[C] NO.44/2014 & W.P[C]NO.5432/2014.

P25- TRUE COPY OF THE ORDER DATED 10.2.2014.

P26- TRUE COPY OF THE ORDER DATED 8.5.2014.

P27- TRUE COPY OF THE ORDER OF SUSPENSION DATED 12.5.2014.

P28- TRUE COPY OF THE LETTER DATED 28.5.2014 ISSUED BY THE 7TH RESPONDENT.

P29- TRUE COPY OF THE UNDATED REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 7TH RESPONDENT.

P30- TRUE COPY OF THE ENQUIRY REPORT DATED 31.10.2014.

P31- TRUE COPY OF THE PROCEEDINGS DATED 4.4.2015.

P32- TRUE COPY OF THE LETTER DATED 4.4.2015 ISSUED BY THE 5TH RESPONDENT.

P33- TRUE COPY OF THE REPRESENTATION DATED 21.4.2015 SUBMITTED BY THE PETITIONER TO THE 5TH RESPONDENT.

P34- TRUE COPY OF THE PROCEEDINGS DATED 11.5.2015 ISSUED BY THE 5TH RESPONDENT.

P35- TRUE COPY OF THE LETTER DATED 11.5.2015 ISSUED BY THE 5TH RESPONDENT.

RESPONDENT(S) ' EXHIBITS:NIL

//TRUE COPY//

P.A TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.16724 of 2015

.....
Dated this the 18th day of June, 2015

J U D G M E N T

The petitioner who is working as Headmistress in A.L.P.School, Polur in Kozhikode district, had approached this Court challenging Exts.P34 and P35, that proposed to revert the petitioner from the post of Headmistress. In the writ petition, along with Exts.P34 and P35, the petitioner also challenged Exts.P30 to P31 and P32, which are reports/orders passed in connection with the disciplinary proceedings that was initiated against the petitioner. When the writ petition came up for admission today, it was pointed out that Exts.P34 and P35, which are impugned in the writ petition, have still not been served on the petitioner and, what was produced in the writ petition as Exts. P34 and P35 were the documents received by the petitioner pursuant to an application under the RTI Act. When it was pointed out to counsel for the petitioner that Exts.P34 and P35, having not been communicated to the petitioner, could not be seen as evidencing the finalisation of the proceedings dealt with therein, or as orders that were served on the petitioner so as to be binding on the petitioner, the learned counsel for the petitioner would submit that, if the petitioner's right to challenge any such order, when eventually passed against the petitioner, is reserved then there is

no objection to the closing of this writ petition on the ground that it is premature. I also take note of the submission of the learned Government Pleader, on instructions, that the petitioner is currently being permitted to sign the attendance register as Headmistress of the School. Taking note of the above submissions of counsel for the petitioner as well as the Government Pleader, I close the writ petition, in its challenge against Exts.P30 to P35, as premature reserving the right of the petitioner to agitate the issue before this Court if and when a cause of action arises.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns

