

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 26TH DAY OF NOVEMBER 2015/5TH AGRAHAYANA, 1937

WP(C).No. 17186 of 2015 (W)

PETITIONER(S):

**JOSEPH ANDREWS C
H.S.A(MATHS)
MAUNATHUL ISLAM HIGHER SECONDARY SCHOOL (MIHSS)PONNANI
P.O.PONNANI SOUTH, MALAPPURAM - 679 586.**

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENT(S):

- 1. STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT
DEPARTMENT OF GENERAL EDUCATION
THIRUVANANTHAPURAM - 695 001.**
- 2. THE DIRECTOR OF PUBLIC INSTRUCTIONS
THIRUVANANTHAPURAM - 695 001.**
- 3. THE DEPUTY DIRECTOR OF EDUCATION
MALAPPURAM 679 673.**
- 4. THE DISTRICT EDUCATIONAL OFFICER
TIRUR - 676 101.**
- 5. MANAGER,
MAUNATHUL ISLAM HIGHER SECONDARY SCHOOL (MIHSS)PONNANI
P.O.PONNANI SOUTH, MALAPPURAM - 679 586.**
- 6. THE HEADMASTER,
MAUNATHUL ISLAM HIGHER SECONDARY SCHOOL (MIHSS)PONNANI
P.O.PONNANI SOUTH, MALAPPURAM - 679 586.**

**R5&6 BY ADV. SRI.K.RAMAKUMAR (SR.)
R5&6 BY ADV. SRI.S.M.PRASANTH
R5&6 BY ADV. SRI.C.DINESH
R5&6 BY ADV. SMT.ASHA BABU
R5&6 BY ADV. SRI.G.RENJITH
R5&6 BY ADV. SMT.JINNU SARA GEORGE
R BY GOVERNMENT PLEADER SMT. M.J. RAJASREE**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 26-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF THE SUSPENSION ORDER DATED 29/12/2008.**
- EXT.P2: TRUE COPY OF THE DUTY CERTIFICATE ISSUED BY THE DISTRICT EDUCATIONAL OFFICER, CHAVAKKAD**
- EXT.P3: TRUE COPY OF THE LETTER DATED 8/1/2009.**
- EXT.P4: TRUE COPY OF THE ORDER DATED 24/3/2009.**
- EXT.P5: TRUE COPY OF THE ORDER DATED 22/3/2010.**
- EXT.P6: TREU COPY OF THE APPEAL SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT**
- EXT.P7: TRUE COPY OF THE RECEIPT GIVEN TO THE PETITIONER EVIDENCING LODGING OF COMPLAINT**
- EXT.P8: TRUE COPY OF THE ORDER DATED 31/10/2013 ISSUED BY THE 5TH RESPONDENT.**
- EXT.P9: TRUE COPY OF THE SUSPENSION ORDER DATED 27/1/2014.**
- EXT.P10: TRUE COPY OF THE LEAVE APPLICATION SUBMITTED BY PETITIONER**
- EXT.P11: TRUE COPY OF THE ORDER DATED 11/2/2014.**
- EXT.P12: TRUE COPY OF THE APPEAL DATED 20/3/2014.**
- EXT.P13: TRUE COPY OF THE ORDER DATED 18/2/2014.**
- EXT.P14: TRUE COPY OF THE CHARGE MEMO AND STATEMENT OF ALLEGATIONS ISSUED TO THE PETITIONER**
- EXT.P15: TRUE COPY OF THE LETTER DATED 29/3/2014.**
- EXT.P16: TRUE COPY OF THE LETTER DATED 27/11/2013.**
- EXT.P17: TRUE COPY FO THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT**
- EXT.P18: TRUE COPY OF THE REPLY/EXPLANATION SUBMITTED BY THE PETITIONER IN REPLY TO EXT.P14.**

CONTD..2..

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- EXT.P19: TRUE COPY OF THE ORDER DATED 16/9/2014.
- EXT.P20: TRUE COPY OF THE LETTER DATED 12/12/2014.
- EXT.P21: TRUE COPY OF THE SUSPENSION ORDER DATED 16/2/2015.
- EXT.P22: TRUE COPY OF THE ORDER DATED 31/3/2015.

RESPONDENT(S)' EXHIBITS

- EXT.R5(A) COPY OF NOTICE DTD. 25.8.15 ISSUED BY THE
GOVERNMENT TO THE PETITIONER.
- EXT.R5(B) COPY OF LETTER DTD. 20.01.2009 TENDERING APOLOGY BY
THE PETITIONER.
- EXT.R5(C) COPY OF ORDER NO.40/14 DTD. 27.12.14 ISSUED BY R5 TO
THE PETITIONER.
- ANNEXURE R5(D) COPY OF THE ORDER DTD. 30.6.15 PAASSED BY THE
SECRETARY TO GOVERNMENT.

// TRUE COPY //

PA TO JUDGE.

SB

K. VINOD CHANDRAN, J.

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Dated this the 26th day of November, 2015

J U D G M E N T

The issue raised in the above writ petition relates to the suspension of the petitioner, an H.S.A (Maths), in the 5th respondent school. The petitioner was suspended as per Ext.P21 on 16.02.2015. The specific contention of the petitioner is that no prior approval was taken for extending the suspension beyond the 15 days period as provided under proviso to sub-rule (7) under Rule 67 of Chapter XIV K.E.R.

2. The learned Senior Counsel appearing for respondents 5 and 6 submits that the Manager has filed a revision, in which; it is stated that Ext.R5(a) communication has been issued to the petitioner, the Manager and the Headmaster, wherein it has been directed that the affected parties appear on

03.09.2015.

3. The learned Counsel for the petitioner also submits that an order was issued to the Deputy Director of Education by the revisional authority, directing the order of reinstatement to be kept in abeyance, produced at Ext.R5(a), which the petitioner alleges was without notice to the petitioner.

4. In any event, since revision is pending before the Government, it is only proper that the matter be heard and disposed of finally. The petitioner and the respondent does not agree as to whether the matter was heard fully. In such circumstance, the revisional authority shall issue a notice to both the petitioner and the 5th respondent with a date of hearing, within two weeks from the date of receipt of the certified copy of this judgment and the same shall be heard on the date posted and finally disposed off within one month from the date of hearing.

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The writ petition is disposed of without any observations on merits and leaving open all the contentions of either parties.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

SB/26/11/2015

// true copy //

P.A to Judge.