

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 30TH DAY OF JUNE 2015/9TH ASHADHA, 1937

WP(C).No. 18675 of 2015 (H)

PETITIONER(S):

**P.K.MADHUSOODHANAN
ASSISTANT TEACHER (UNDER SUSPENSION)
AIDED JUNIOR BASIC SCHOOL, KATAMPAZHIPURAM
PALAKKAD - 678 633, RESIDING AT MADHU NIVAS
KATAMPAZHIPURAM, PALAKKAD - 678 633.**

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENT(S):

- 1. STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT
DEPARTMENT OF GENERAL EDUCATION, SECRETARIAT
THIRUVANANTHAPURAM - 695001.**
- 2. DIRECTOR OF PUBLIC INSTRUCTIONS
THIRUVANANTHAPURAM - 695 001.**
- 3. DISTRICT EDUCATIONAL OFFICER
OTTAPPALAM - 679 101.**
- 4. ASSISTANT EDUCATIONAL OFFICER
CHERPULASSERRY, PALAKKAD - 678001.**
- 5. THE MANAGER, AIDED JUNIOR BASIC SCHOOL
KATAMPAZHIPURAM, PALAKKAD - 678 633.**
- 6. THE HEADMASTER IN CHARGE
AIDED JUNIOR BASIC SCHOOL, KATAMPAZHIPURAM
PALAKKAD - 678 633.**

**R5 BY ADV. SRI.JIJI THOMAS
R5 BY ADV. SRI.P.R.ASHOK KUMAR
R5 BY ADV. SMT.SMITHA MATHEW
R BY GOVERNMENT PLEADER SMT.LOWSY.A.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
30-06-2015 ALONG WITH WPC. 18793/2015, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1 - TRUE COPY OF THE SUSPENSION ORDER DATED 27.1.2015

EXT.P2 - TRUE COPY OF THE ORDER DATED 9.2.2015

**EXT.P3- TRUE COPY OF THE LETTER DATED 12.2.2015 ISSUED BY THE
MANAGER TO THE 6TH RESPONDENT.**

**EXT.P4 - TRUE COPY OF THE LETTER DATED 12.2.2015 ISSUED BY THE
MANAGER TO THE 4TH RESPONDENT.**

EXT.P5 - TRUE COPY OF THE JUDGMENT DATED 26.2.2015 IN WPC.NO.4916/2015

EXT.P6 - TRUE COPY OF THE LETTER DATED 27.3.2015

EXT.P7 - TRUE COPY OF THE ORDER DATED 4.6.2015

**EXT.P8 - TRUE COPY OF THE APPEAL DATED 10.6.2015 SUBMITTED BY THE
PETITIONER BEFORE THE 4TH RESPONDENT.**

EXT.P9- TRUE COPY OF THE ORDER DATED 17.6.2015

EXT.P10 - TRUE COPY OF THE ORDER DATED 19.6.2015

**EXT.P11 - TRUE COPY OF THE REVISION PETITION DATED 20.6.2015 SUBMITTED
BY THE PETITIONER BEFORE THE 1ST RESPONDENT.**

RESPONDENT(S)' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.18675 OF 2015 (H)

&

W.P.(C).NO.18793 OF 2015 (Y)

Dated this the 30th day of June, 2015

J U D G M E N T

The petitioner in W.P.(C).No.18675/2015 is an LPSA who was under suspension. It is seen from the averments in the writ petition that based on the disciplinary proceedings that were initiated against the petitioner, the petitioner was continued on suspension beyond the initial period of 15 days. The said decision to continue him under suspension was the subject matter of various proceedings before the Higher authorities under the Kerala Education Rules. The said proceedings culminated in Ext.P9 order, whereby, the 4th respondent directed a reinstatement of the petitioner in service, after making some observations with regard to the propriety of the Manager in keeping the petitioner under suspension. Ext.P9 order has been impugned before the 1st respondent, both by the petitioner as also by the 5th respondent Manager. In the meanwhile, the petitioner approached this Court through the present writ petition seeking an implementation of the directions in Ext.P9 order that directed a reinstatement of the petitioner. By an interim order dated 22.6.2015,

this Court had directed respondents 4, 5 and 6 to ensure that the petitioner is reinstated forthwith, in pursuance to Ext.P9 order, during the pendency of the writ petition. While matters stood thus, the Manager of the School, who is the 5th respondent in W.P.(C).No.18675/2015 filed W.P.(C).No.18793/2015, wherein, it is pointed out that against Ext.P9 order, that was sought to be implemented by the petitioner in W.P.(C).No.18675/2015, the Manager has also preferred a revision petition, together with a stay petition, before the 1st respondent. The revision petition and stay petition are produced as Exts.P3 and P4 in the writ petition preferred by the Manager. Considering the nature of the disputes between the parties, and taking note of the fact that against Ext.P9 order which directs the reinstatement of the petitioner in service, there are revision petitions filed both by the petitioner in W.P.(C).No.18675/2015 and the Manager of the School, I dispose these writ petitions with a direction to the 1st respondent to consider the revision petitions filed by the petitioner in W.P.(C).No.18675/2015 and the Manager of the School and pass orders thereon, expeditiously. Taking note of the urgency that is projected by the petitioner in W.P.(C).No.18793/2015, who is

the Manager of the School, and who is aggrieved by the directions in Ext.P9 order to reinstate the petitioner in W.P.(C).No.18675/2015 in service, I feel that the 1st respondent should first hear Ext.P4 stay petition in W.P.(C).No.18793/2015, preferred by the Manager of the School, expeditiously. The continuance of the petitioner in W.P.(C).No.18675/2015 in the School during the pendency of the disciplinary proceedings initiated against him, will be determined by the order to be passed by the 1st respondent in the stay petition referred to above. In order to enable the 1st respondent to pass orders on Ext.P4 stay petition preferred by the Manager of the School, I direct the petitioners in both these writ petitions to appear before the 1st respondent, at his Office at 11.00 a.m. on 9.7.2015. The 1st respondent shall pass orders on the stay petition, after hearing the petitioners in both these writ petitions, on or before 23.07.2015, and the order to be passed shall be a reasoned one reflecting a consideration of the contentions raised by both sides. I make it clear that till such time as orders are passed by the 1st respondent on the stay petition, as directed, and communicated to the parties, the petitioner in W.P.(C).No.18675/2015 shall be reinstated in service on

the basis of the interim direction dated 22.06.2015 that has already been issued in W.P.(C).No.18675/2015. The 1st respondent shall, after passing orders on the stay petition, proceed to hear the revision petitions and pass final orders thereon, after hearing the parties, within a period of two months thereafter.

The writ petitions are disposed as above.

**A.K.JAYASANKARAN NAMBIAR
JUDGE**

prp