

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 20TH DAY OF MARCH 2015/29TH PHALGUNA, 1936

WP(C).No. 21869 of 2014 (G)

PETITIONER(S) :

THE MANAGER
ELAYIDAM B.V.L.P.SCHOOL, KADAMERI PO, VADAKARA TALUK
KOZHIKODE DISTRICT 673 507

BY ADV. SRI.R.K.MURALEEDHARAN

RESPONDENT(S) :

1. STATE OF KERALA
REPRESENTED BY SECRETARY TO GENERAL EDUCATION DEPARTMENT
THIRUVANANTHAPURAM-01.

2. THE DISTRICT EDUCATIONAL OFFICER
VADAKARA, KOZHIKODE DISTRICT 673 103.

3. THE ASSISTANT EDUCATIONAL OFFICER
NADAPURAM PO, KALLACHI, KOZHIKODE DISTRICT 673 105

4. T.SUMATHY (HEADMISTRESS UNDER SUSPENSION)
SURAJ BHAVAN, CHOKLI PO, THALASSERY
KANNUR DISTRICT 673 101.

R4 BY ADV. SRI.T.V.JAYAKUMAR NAMBOODIRI
R,R BY ADV. GOVERNMENT PLEADER SMT A LOWSY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
20-03-2015, ALONG WITH WPC. 22908/2014, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

WP(C).No. 21869 of 2014 (G)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1 COPY OF THE SUSPENSION ORDER DATED 27/5/2009
EXHIBIT P2 COPY OF THE CIRCULAR DATED 17/6/2013 ISSUED BY THE 2NBD
RESPONDENT
EXHIBIT P3 COPY OF THE ORDER PASSED BY THE DPI DATED 20/4/2011
EXHIBIT P4 COPY OF THGE ORDER DATED 14/2/2012
EXHIBIT P5 COPY OF THE COMMUNICATION FROM THE 3RD RESPONDENT DATED
5/11/2012
EXHIBIT P6 COPY OF THE ORDER DATED 14/11/2012 OF THE PETITIONER
EXHIBIT P7 COPY OF THE MEMO OF CHARGES AND STATEMENT OF ALLEGATION DATED
15/2/2013
EXHIBIT P8 COPY OF THE REQUEST DATED 20/3/2013
EXHIBIT P9 COPY OF THE APPLICATION FOR REVIEW DATED 25/5/2013 FILED BY
THE 4TH RESPONDENT BEFGORE THE 2ND RESPONDENT
EXHIBIT P10 COPY OF THE RELEVANT PAGES OF THE JUDGMENT IN WPC NO.
28022/20123 DATED 12/6/2013
EXHIBIT P11 COPY OF THE ENQUIRY REPORT OF THE 3RD RESPONDENT DATED
15/5/2013
EXHIBIT P12 COPY OF THE NOTICE DATED 17/6/2013 ISSUED TO THE 4TH
RESPONDENT
EXHIBIT P13 COPY OF THE REPLY FILED BY THE 4TH RESPONDENT DATED 5/7/2013
EXHIBIT P13(A) COPY OF THE FILED BY THE 4TH RESPONDENT DATED 12/7/2013
EXHIBIT P14 COPY OF THE ORDER DATED 16/8/2012
EXHIBIT P15 COPY OF THE REQUEST SUBMITTED BEFORE THE 2ND RESPONDENT
DATED 10/9/2013
EXHIBIT P16 COPY OF THE JUDGMENT IN WPC NO. 28892/13 DATED 28/11/2013
EXHIBIT P17 COPY OF THE ORDER DATED 26/6/2014 OF THE 2ND RESPONDENT

RESPONDENT(S) ' EXHIBITS Nil

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//true copy//

PS TO JUDGE

A.MUHAMED MUSTAQUE, J.

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W.P.(C).Nos.21869/2014 & 22908/2014  
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Dated this the 20th Day of March, 2015

J U D G M E N T

Petitioner in W.P.(C).No.22908/2014 is the Headmistress of an aided school and she was suspended from service pending disciplinary proceedings by the fourth respondent-Manager, who is the petitioner in W.P.(C).No.21869/2014. The Manager has approached this Court challenging Ext.P17 order (produced in W.P.(C).No.21869/2014) directing him to reinstate the petitioner in W.P.(C).No.22908/2014.

2. It is submitted by the learned counsel appearing for the Manager that the Headmistress is found guilty of 20 charges out of 23 charges and it has been decided by the Manager to remove her from service. However, considering the fact that the Headmistress is due to retire on 31/03/2015, taking a lenient view, the Manager is now proposing to impose reduction in pension alone. It is submitted that the Manager will submit proposal of penalty on 23/03/2015 before the District Educational Officer.

3. In the facts and circumstances, the following directions are issued:

i. On receipt of the proposal of penalty from the Manager the District Educational Officer shall take a decision within three days thereon to grant sanction.

ii. Thereafter, the Manager shall take a decision thereon within a further period of three days to impose penalty

iii. The Headmistress shall be reinstated in the service, at any rate, on or before 31/03/2015.

iv. The Headmistress is at liberty to challenge imposition of penalty. No costs.

Sd/-

(A.MUHAMED MUSTAQUE, JUDGE)

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