

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

THURSDAY, THE 17TH DAY OF DECEMBER 2015/26TH AGRAHAYANA, 1937

WP(C).No. 21683 of 2015 (I)

PETITIONER(S):

**BINDU.K,
ASSISTANT TEACHER, NARIKKUNI AUP SCHOOL, P.O
NARIKUNI, KOZHIKODE DISTRICT.**

BY ADV. SRI.R.K.MURALEEDHARAN

RESPONDENT(S):

- 1. THE STATE OF KERALA REP. BY
SECRETARY, GENERAL EDUCATION DEPARTMENT
GOVERNMENT OF KERALA, TRIVANDRUM- 695 001.**
- 2. THE DIRECTOR OF PUBLIC INSTRUCTION,
TRIVANDRUM- 695 001.**
- 3. THE ASSISTANT EDUCATIONAL OFFICER,
THAMARASSERY, KOZHIKODE DISTRICT- 673 121.**

BY GOVERNMENT PLEADER SMT. S. HYMA

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17-12-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

- EXT P1- A TRUE COPY OF THE ORDER OF SUSPENSION OF THE PETITIONER
 DATED 19/09/2008 ISSUED BY THE 2ND RESPONDENT.
- EXT P2- A TRUE COPY OF THE PROCEEDINGS DATED 25/03/09 OF THE 2ND
 RESPONDENT.
- EXT P3- A TRUE COPY OF THE ORDER OF THE 2ND RESPONDENT DATED
 25/03/09.
- EXT P4- A TRUE COPY OF THE RELEVATN PAGES OF THE ENQUIRY REPROT
 RECEIVED UNDER RIGHT TO INFORMATION ACT.
- EXT P5- THE COVERING LETTER ISSUED BY THE INFORMATION OFFICER OF
 THE VIGILANCE DEPARTMENT DATED 05/08/2014.
- EXT P6- A TRUE COPY OF THE REPRESENTATION DATED 27/06/2011.
- EXT P7- A TRUE COPY OF THE STATEMENT OF FIXATION AND FORM OF
 OPTION DATED 16/08/2011.
- EXT P8- A TRUE COPY OF THE STATEMENT OF FIXATION AND FORM OF
 OPTION DATED 02/06/2011.

RESPONDENT(S)' EXHIBITS: NIL

//True copy//

P.A. to Judge

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P.BHAVADASAN, J.

W.P.(C) No. 21683 of 2015

Dated this the 17th day of December, 2015

J U D G M E N T

The issue that now centres around in this writ petition falls within a very narrow compass.

2. The petitioner was one among the several teachers, who suffered suspension from service as per Ext.P1 order dated 19.09.2008. Later, by Ext.P2 dated 25.03.2009, their suspension was revoked and they were reinstated in service subject to the disciplinary proceedings to be taken against them. On the very same day, it appears that Ext.P3 order was passed directing a detailed enquiry to be conducted in the matter. This Court is informed that till date, nothing has happened in pursuance to Ext.P3. Meanwhile, the matter went into hands of the Vigilance Department and a Vigilance enquiry was conducted. Ext.P4 is the report.

3. The petitioner points out that in Ext.P4, the petitioner is not a suspected officer and there are no findings as against him and Ext.P4 has been accepted by the Government by Ext.P5.

4. Now the petitioner has filed Exts.P7 and P8 option statements regarding their salary.

5. But the learned counsel for the petitioner points out that unless the period of suspension is regularized, Exts.P7 and P8 may not be capable of being considered as of now. The petitioner therefore prays that there may be a direction to the DPI to consider their regularization of the period of suspension in view of revocation and in view of the subsequent development and thereafter, if the service is regularized for the period of suspension, the third respondent may be directed to consider Exts.P7 and P8 and pass appropriate orders.

6. The learned Government Pleader sought time to file a statement.

7. But after having bestowed anxious consideration into various aspects, it is felt that it may not be necessary to wait for a statement in the light of the limited prayer made by the petitioner in this writ petition.

This writ petition is disposed of directing the second respondent to take up the issue regarding regularization of period of suspension i.e., from 19.09.2008 to 25.03.2009 and pass appropriate orders thereon within a period of one month from the date of receipt of a copy of this order. Pursuant to that order, the third respondent shall take up Exts.P7 and P8 and pass appropriate orders in accordance with law within two months thereof.

Sd/-
P.BHAVADASAN
JUDGE

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