

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 26TH DAY OF OCTOBER 2015/4TH KARTHIKA, 1937

WP(C).No. 21891 of 2015 (J)

PETITIONER:

**SNEHALETHA D.R, AGED 39 YEARS
WORKING AS L.P SCHOOL ASSISTANT
KOYIKAL ABRAHAM MEMORIAL U.P SCHOOL, KARIKODE, VELLOOR
KOTTAYAM DISTRICT, AND RESIDING AT DEVIDAN APARTMENT
3C, NEAR HOMEIO COLLEGE, CHOTTANIKKARA
ERNAKULAM 682 312.**

BY ADV. SRI.B.S.SURESH (CHIRAKKARA)

RESPONDENTS:

- 1. ASST.EDUCATIONAL OFFICER
KURUVILANGADU, KOTTAYAM.**
- 2. MANAGER
KOYIKAL ABRAHAM MEMORIAL U.P SCHOOL, KARIKODE, VELLOOR
KOTTAYAM DISTRICT.**
- 3. HEADMISTRESS
KOYIKAL ABRAHAM MEMORIAL U.P SCHOOL, KARIKODE, VELLOOR
KOTTAYAM DISTRICT.**

**R2&3 BY ADV. SRI.GEORGE JACOB (JOSE)
R1 BY GOVERNMENT PLEADER SMT. A LOWSY**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
26-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

- EXHIBIT P1. COPY OF THE WRITTEN COMPLAINT DATED 7.7.15 SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT.
- EXHIBIT P2. COPY OF THE REPRESENTATION GIVEN BY THE PETITIONER TO THE ASSISTANT EDUCATIONAL OFFICER DATED 14.7.15.
- EXHIBIT P3. COPY OF THE COMPLAINT DATED 16.7.15 TO THE 1ST RESPONDENT.
- EXHIBIT P4. COPY OF THE LETTER DATED 15.7.2015 ISSUED BY THE 3RD RESPONDENT
- EXHIBIT P5. COPY OF THE SHOW CAUSE NOTICE DATED 16.7.2015
- EXHIBIT P6. COPY OF THE REPLY OF THE SHOW CAUSE NOTICE DATED 27.7.2015

RESPONDENT(S)' EXHIBITS

- R2(A) : COPY OF THE COMPLAINT DATED 4.7.2015 SUBMITTED BY 26 TEACHERS IN THE SCHOOL
- R2(B) : TRUE COPY OF THE LETTER DATED 8.7.2015 OF THE HEADMISTRESS ADDRESSED TO THE 2ND RESPONDENT
- R2(C) : COPY OF THE LETTER DATED 9.7.2015 OF THE HEADMISTRESS ADDRESSED TO THE PETITIONER
- R2(D) : COPY OF THE CASUAL LEAVE APPLICATION DATED 14.7.2015 OF THE PETITIONER
- R2(E) : COPY OF THE NOTICE DATED 16.7.2015 OF THE HEADMISTRESS ADDRESSED TO THE PETITIONER
- R2(F) : COPY OF THE LETTER DATED 21.7.2015 OF THE HEADMISTRESS ADDRESSED TO THE 1ST RESPONDENT
- R2(G) : COPY OF THE MINUTES OF THE MEETING CONVENED BY THE 1ST RESPONDENT ON 23.7.2015
- R2(H) : COPY OF THE WRITTEN EXPLANATION DATED 27.7.2015 SUBMITTED BY THE PETITIONER TO THE 3RD RESPONDENT
- R2(I) : COPY OF THE LETTER DATED 3.8.2015 OF THE HEADMISTRESS ADDRESSED TO THE FIRST RESPONDENT
- R2(J) : COPY OF THE LETTER DATED 5.9.2015 OF THE HEADMISTRESS ADDRESSED TO THE FIRST RESPONDENT

//TRUE COPY//

P.A. TO JUDGE

JJJ

K. VINOD CHANDRAN, J.

W.P.(C) No. 21891 of 2015 (J)

Dated this the 26th day of October, 2015

J U D G M E N T

Allegations and counter allegations are there with respect to the denial of permission to attend the duties by the teacher and unbecoming conduct on the part of the petitioner teacher, by the Manager and Headmistress. These disputed facts cannot be gone into by this Court under Article 226 of the Constitution of India. The petitioner's contention seems to be that she is not being permitted to mark the attendance and attend the duties as an L.P.S.A.

2. The learned counsel appearing for the 2nd and 3rd respondents says that they have not made any such prohibition and whenever the petitioner turns up she behaves in an unbecoming manner. If such untoward incidents happen and the conduct of the teacher is unbecoming, then, necessarily, the Manager with the

permission of the A.E.O. has to initiate proceedings against the teacher. No such proceedings have been initiated till now.

3. In such circumstance, this Court is of the opinion that nothing needs to be specifically directed in the writ petition, especially in the context of the Manager and the Headmistress having undertaken that the petitioner can attend to her duties as an L.P.S.A., after marking the attendance in the School. The petitioner would do well to report for duty and mark attendance. If she does not report for duty, necessarily, proceedings would have to be taken for unauthorised absence.

4. The petitioner contends that the period in which she was kept out of service has to be regularised. But, that cannot be decided in a petition under Article 226 of the Constitution of India, especially when there are allegations and counter allegations. The petitioner or the Manager would be entitled to approach the educational authorities

under the K.E.R. for appropriate reliefs.

The writ petition hence would stand closed, with the reservations as above.

Sd/-
K.VINOD CHANDRAN,
JUDGE