

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

WEDNESDAY, THE 14TH DAY OF OCTOBER 2015/22ND ASWINA, 1937

WP(C).No. 22520 of 2015 (L)

PETITIONER(S):

**BINDU ALAKKANDY
W/O PAVITHRAN
MUSIC TEACHER (UNDER ORDER OF SUSPENSION)
RAJEEV GANDHI MEMORIAL HSS, MOKERI
RESIDING AT SREENIDHI, PANOOR SOUTH 670 692
KANNUR DISTRICT**

**BY ADVS.SRI.M.SASINDRAN
SRI.V.VENUGOPAL**

RESPONDENT(S):

- 1. THE DEPUTY DIRECTOR OF EDUCATION, KANNUR-670 001**
- 2. THE DISTRICT EDUCATIONAL OFFICER,
THALASSERY 670 101, KANNUR DISTRICT**
- 3. THE MANAGER,
RAJEEV GANDHI MEMORIAL HSS, MOKERI
KANNUR DISTRICT 670 692**
- 4. THE HEADMASTER,
RAJEEV GANDHI MEMORIAL HSS, MILERI
KANNUR DISTRICT PIN 670 692**
- 5. A. RAJESH KUMAR,
CLERK, RAJEEV GANDHI MEMORIAL HSS, MOKERI
KANNUR DISTRICT PIN 670 692**

**R3 & R4 BY ADV. SRI.R.K.MURALEEDHARAN
R5 BY ADV. SRI.K.B.GANGESH
R1-R2 BY SRI V.K.RAFEEQ, GOVERNMENT PLEADER**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1. COPY OF THE COMPLAINT DATED 16-02-2015 SUBMITTED BY THE PETITIONER BEFORE THE HEADMASTER.

EXHIBIT P2 COPY OF THE COMPLAINT PREFERRED BY THE HUSBAND OF THE PETITIONER TO THE HEADMASTER.

EXHIBIT P3 COPY OF THE COMPLAINT DATED 17-06-2015 SUBMITTED BY THE PETITIONER BEFORE THE HEADMASTER OF THE SCHOOL

EXHIBIT P4 COPY OF THE COMPLAINT SUBMITTED BEFORE THE MANAGER

EXHIBIT P5 COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONER BEFORE THE SUB INSPECTOR OF POLICE, PANUR

EXHIBIT P6 COPY OF THE FIR IN CRIME NO 626 OF 2015 OF PANUR POLICE STATION

EXHIBIT P7 COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONER BEFORE THE DEO DATED 17-06-2015

EXHIBIT P8 COPY OF THE ORDER DATED 17-06-2015 ISSUED BY THE MANAGER.

EXHIBIT P9 COPY OF THE ORDER DATED 30-06-2015 ISSUED BY THE 2ND RESPONDENT DEO.

EXHIBIT P10 COPY OF THE ORDER DATED 01-07-2015 ISSUED BY THE MANAGER EXTENDING THE PERIOD OF SUSPENSION UNTIL FURTHER ORDERS

EXHIBIT P11 TRUE COPY OF THE LAWYER NOTICE DATED 02-07-2015 ISSUED TO THE 5TH RESPONDENT

EXHIBIT P12 COPY OF THE LETTER DATED 02-07-2015 SUBMITTED BY THE PETITIONER BEFORE THE HEADMASTER, MANAGER AND ALSO THE DEO.

EXHIBIT P13 COPY OF THE COMPLAINT DATED 20-07-2015 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

RESPONDENT(S)' EXHIBITS:

R4(A): COPY OF THE LETTER BY THE PETITIONER TO THE HEADMASTER

R4(B): COPY OF HTE REPORT DATED 16.06.2015

R4(B)1: COPY OF THE COMPLAINT OF 5TH RESPONDENT

(CNTD)

- R4(B)2: COPY OF HTE COMPLAINT OF SANTHOSH KUMAR
- R4(B)3: COPY OF THE STATEMENT OF SOBHANA
- R4(C): COPY OF HTE LETTER DATED 17.06.2015 OF THE MANAGER
- R4(D): COPIES OF THE MEMO OF CHARGES AND STATEMENT OF ALLEGATION DATED 06.08.2015
- R4(E): COPY OF THE REPLY DATED 21.08.2015
- R4(F): COPY OF THE THE REQUEST DATED 01.09.2015
- R4(G): COPY OF HTE MINUTES OF THE DECISION TAKEN ON 17.02.2015 BY THE ANTI HARASSMENT COMMITTEE
- R4(H): COPY OF THE REPORT OF THE SUBCOMMITTEE AND THE MINUTES OF THE DECISION OF THE ANTI HARASSMENT COMMITTEE DATED 20.02.2015
- R4(I): COPY OF HTE MINUTES OF THE MEETING CONVENED ON 07.03.2015
- R4(J): COPY OF THE MEMO ISSUED TO THE HEADMASTER
- R4(K): COPY OF THE REPORT RECEIVED FROM THE HEADMASTER DATED 20.06.2015
- R4(L): COPY OF THE NOTICE DATED 03.10.2015

ANIL K. NARENDRAN, J.

W.P.(C) No.22520 of 2015

Dated this the 14th day of October, 2015

JUDGMENT

The petitioner was working as a Music Teacher in Rajiv Gandhi Memorial Higher Secondary School, Mokeri, managed by the 3rd respondent. The petitioner has filed this writ petition seeking a writ of certiorari to quash Exts.P8, P9 and P10 and seeking a writ of mandamus commanding respondents 1 to 3 to revoke the order of suspension and to reinstate her with effect from the date of suspension with all consequential benefits. The petitioner has also sought for a writ of mandamus commanding respondents 3 and 4 to take immediate action against the 5th respondent based on Exts.P1, P3 and P4 in accordance with the provisions of the Sexual Harassment of Women at Work Place (Prevention, Prohibition and Redressal) Act, 2013.

2. Today, when the case was taken up for consideration, the learned counsel for the petitioner would submit that, pursuant to Ext.R4(l) notice issued by the 2nd respondent, an enquiry was conducted on 07.10.2015 on Ext.R4(d) memo of

charges issued to the petitioner to which she had submitted Ext.R4(e) reply, and that the 2nd respondent is yet to submit a report to the 3rd respondent Manager. Therefore, leaving open all the contentions raised in the writ petition and also the other reliefs sought for, this writ petition may be disposed of directing the 2nd respondent to submit his enquiry report before the 3rd respondent Manager, within a time frame, and further directing the 3rd respondent Manager to finalize the disciplinary proceedings and pass appropriate orders within a time limit that may be fixed by this Court. The learned counsel for the petitioner has also undertaken that, the petitioner shall co-operate for an expeditious finalisation of the disciplinary proceedings pending against her.

3. I heard arguments of the learned counsel for the petitioner, the learned Government Pleader appearing for respondents 1 and 2, the learned counsel appearing for respondents 3 and 4 and also the learned counsel for the 5th respondent.

5. Considering the fact that the 2nd respondent has already conducted an enquiry on Ext.R4(d) memo of charges and the said respondent is yet to submit a report before the 3rd respondent

Manager, I deem it appropriate to dispose of this writ petition without going into the merits of the rival contentions raised by the parties.

In the result, this writ petition is disposed of with the following directions:

The 2nd respondent shall submit his report on the enquiry conducted pursuant to Ext.R4(l) notice on 07.10.2015, before the 3rd respondent Manager, as expeditiously as possible, at any rate, within a period of three weeks from the date of receipt of a certified copy of this judgment.

On receipt of such report, the 3rd respondent Manager shall proceed with the disciplinary proceedings, if any, against the petitioner with notice to her and finalize the same in accordance with law. The proceedings in this regard shall be completed, as expeditiously as possible, at any rate, within an outer limit of two months from the date of receipt of the enquiry report submitted by the 2nd respondent.

SD/-
ANIL K. NARENDRAN,
JUDGE