

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 26TH DAY OF NOVEMBER 2015/5TH AGRAHAYANA, 1937

W.P.(C).No.24942 of 2015 (P)

PETITIONER(S):-

SIJU.V.C., AGED 42 YEARS,
PEON (UNDER SUSPENSION),
SATHYAGRAHA MEMORIAL SREE NARAYANA
VOCATIONAL HIGHER SECONDARY SCHOOL,
VAIKOM, KOTTAYAM DISTRICT.

BY ADVS.SRI.BRIJESH MOHAN
SMT.RESMI G. NAIR.

RESPONDENT(S):-

1. THE DEPUTY DIRECTOR OF EDUCATION,
KOTTAYAM-686001.
2. THE DISTRICT EDUCATIONAL OFFICER,
KADUTHURUTHY, KOTTAYAM DISTRICT-686604.
3. THE MANAGER,
SATHYAGRAHA MEMORIAL SREE NARAYANA
VOCATIONAL HIGHER SECONDARY SCHOOL,
VAIKOM, KOTTAYAM DISTRICT-686141.
4. THE PRINCIPAL,
SATHYAGRAHA MEMORIAL SREE NARAYANA
VOCATIONAL HIGHER SECONDARY SCHOOL,
VAIKOM, KOTTAYAM DISTRICT-686141.

R1 & R2 BY GOVERNMENT PLEADER SMT.M.J.RAJASREE.
R3 & R4 BY ADV. SRI.A.N.RAJAN BABU.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
26-11-2015, ALONG WITH WP(C).30523/2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:-

APPENDIX

PETITIONER(S)' EXHIBITS:-

- EXT.P1 : TRUE COPY OF THE JUDGMENT DT.29-3-2006 IN WPC.35380/2005 OF THIS HON'BLE COURT.
- EXT.P2 : TRUE COPY OF THE MEMO DT.10-9-2014 ISSUED TO THE PETITIONER BY THE 4TH RESPONDENT.
- EXT.P3 : TRUE COPY OF THE COMMUNICATION DT.16-9-2014 ISSUED BY THE 4TH RESPONDENT TO THE PETITIONER.
- EXT.P4 : TRUE COPY OF THE MEMO OF CHARGES AND STATEMENT OF ALLEGATIONS DT.24-9-2014 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER.
- EXT.P5 : TRUE COPY OF THE REPLY DT.13-10-14 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.
- EXT.P6 : TRUE COPY OF THE ORDER NO.M.1/2014(2) DT.1-11-2014 ISSUED BY THE THIRD RESPONDENT TO THE PETITIONER.
- EXT.P7 : TRUE COPY OF THE MEMO OF CHARGES AND STATEMENT OF ALLEGATIONS DT.1-11-2014 ISSUED BY THE THIRD RESPONDENT TO THE PETITIONER.
- EXT.P8 : TRUE COPY OF THE REPLY DT.6-11-2014 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.
- EXT.P9 : TRUE COPY OF THE NOTICE DT.6-11-2014 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.
- EXT.P10 : TRUE COPY OF THE ORDER NO.M1/2014 DT.15-11-2014 ISSUED BY 3RD RESPONDENT TO THE PETITIONER.
- EXT.P11 : TRUE COPY OF THE ORDER NO.B2/8005/2015 DT.17-6-2015 ISSUED BY 1ST RESPONDENT.
- EXT.P12 : TRUE COPY OF THE COMMUNICATION DT.10-7-2015 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.

RESPONDENT(S)' EXHIBITS:-

NIL.

Vku/-

[true copy]

K. Vinod Chandran, J

W.P.(C).Nos.24942 of 2015-P & 30523 of 2015-M

Dated this the 26th day of November, 2015

JUDGMENT

The petitioners in the writ petitions are the Manager of an aided school and a Peon working in the school. Admittedly the Peon was proceeded against on allegations of misconduct. The Manager had initiated disciplinary proceedings, which was conducted by the District Educational Officer [for brevity “DEO”] as per Rule 75 of Chapter XIV-A of Kerala Education Rules, 1959 [for brevity “KER”]. W.P.(C). No.24942 of 2015 was filed by the Peon challenging the suspension order and also seeking expeditious disposal of the enquiry proceedings. W.P.(C).No.30523 of 2015 was filed by the Manager, again with the prayer for expeditious disposal of the enquiry proceedings.

2. Admittedly enquiry proceedings have been completed and the DEO has forwarded the report to the Manager, on which the Manager has suggested a punishment

and along with the enquiry report, a show cause notice has been given to the delinquent employee. The delinquent employee is also said to have failed to file an objection within time. In any event, the Manager having not finalised the punishment and sent it for approval to the Deputy Director of Education [for brevity "DDE"], the delinquent employee is entitled to file any objection, if so advised, within fifteen days from the date of receipt of a certified copy of this judgment.

3. The delinquent employee has yet another contention that the enquiry proceeding itself was conducted without notice to him. However, the Manager refutes the same on the ground that though notice was issued, none appeared. In any event, that is not a matter to be agitated herein and such contentions are left open to be agitated before the appropriate forum.

The writ petitions would stand disposed off, with the above direction to the delinquent employee to prefer an objection, if so advised, to the show cause notice within a period of fifteen days from the date of receipt of a certified copy

of this judgment and directing the Manager to finalise the proceedings and forward the proposal to the DDE within one month from the date of filing of the objection by the delinquent employee. All contentions of either parties are left open. The parties are left to suffer their respective costs.

vku/-

Sd/-
K.Vinod Chandran
Judge.

[true copy]