

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 21ST DAY OF AUGUST 2015/30TH SRAVANA, 1937

WP(C).No. 26051 of 2015 (F)

PETITIONER(S) :

THOMAS C.VARGHESE
MANAGER, ST.JOHN'S SYRIAN HIGHER SECONDARY SCHOOL AND
TEACHER TRAINING INSTITUTTE, VADAKARA, OLIYAPPURAM.P.O,
KOOTHATTUKULAM, ERNAKULAM PIN 686 679

BY ADVS.SRI.B.S.SWATHY KUMAR
SRI.REMYA MURALI
SRI.ASHISH MOHAN
SMT.T.RESHMA

RESPONDENT(S) :

1. STATE OF KERALA, REPRESENTED BY ITS SECRETARY,
GENERAL EDUCATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM, PIN 695 001

2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
THRIUVANANTHAPURAM PIN 695 014

BY GOVERNMENT PLEADER SMT.LOWSY.A

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
21-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) .No. 26051 of 2015 (F)

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE ORDER NO EC(3)/41433/2014/DPI/K.DIS DATED
21.03.2015

EXT.P2: TRUE COPY OF THE COMMUNICATION NO.20331/F3/15/G.EDN.DATED
16.04.2015

EXT.P3: TRUE COPY OF THE REQUEST DATED 18.04.2015 FILED BY THE
PETITIONER

EXT.P4: TRUE COPY OF THE PETITIONER FILED BY THE PETITIONER BEFORE THE
2ND RESPONDENT DATED 20.04.2015

EXT.P5: TRUE COPY OF THE NOTICE NO.EC3/82278/2014/DPI DATED 12.08.2015

RESPONDENTS' EXHIBITS: NIL

//TRUE COPY//

P A TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.
.....
W.P.(C).No.26051 of 2015
.....
Dated this the 21st day of August, 2015

J U D G M E N T

The petitioner, who is the Manager of St.Johns Syrian Higher Secondary School and Teacher Training Institute, Vadakara, is aggrieved by Ext.P5 notice that has been served on him in connection with a hearing on Ext.P1 notice that was earlier served on him by the 2nd respondent. By Ext.P1 notice, the petitioner has been informed of a proposal to disqualify him as the Manager of the School and the Teacher Training Institute and he has been asked to submit his objections, if any, against the said proposal. The case of the petitioner in the writ petition is that, while he had submitted various representations to the 2nd respondent requesting the latter to furnish him with copies of the documents relied upon in Ext.P1 for the purposes of issuing the said notice to him, the 2nd respondent did not respond to the same or furnish the petitioner with copies of the relevant documents. Faced with the said situation, the petitioner preferred a revision petition before the 1st respondent against Ext.P1 notice and, by Ext.P2 order, the 1st respondent had directed the 2nd respondent to keep in abeyance further proceedings pursuant to Ext.P1 notice till disposal of the revision petition by the 1st respondent. According to the petitioner, there is no information with regard to the vacating of Ext.P2 order by the 1st

respondent but at the same time, the 2nd respondent has now chosen to proceed further with Ext.P1 notice notwithstanding the express direction in Ext.P2 order of the 1st respondent. It is therefore that he has preferred this writ petition seeking to interdict the 2nd respondent from proceeding further with Ext.P5.

2. I have heard the learned counsel for the petitioner and the learned Government Pleader for the respondents.

3. On a consideration of the facts and circumstances of the case as also the submissions made across the bar, I find that essentially the grievance of the petitioner is with regard to non-furnishing of documents that have been relied upon by the 2nd respondent while issuing Ext.P1 notice to the petitioner, proposing to disqualify him from the post of Managership of the School in question. In my view, before the 2nd respondent can proceed further in the matter, it would be incumbent upon him to provide copies of the relevant documents which have been relied upon in Ext.P1 notice, and sought for by the petitioner in Ext.P4 representation, and consider the objections of the petitioner in relation to those documents before proceeding further in the matter. I therefore dispose the writ petition with a direction to the 2nd respondent to furnish copies of the documents sought for by the

petitioner in Ext.P4 representation, if the same have been relied upon while issuing Ext.P1 notice, and thereafter, grant the petitioner a period of three weeks from the date of furnishing of the documents so as to enable the petitioner to prefer an effective reply to Ext.P1 notice. The 2nd respondent shall thereafter complete the proceedings initiated by Ext.P1, after hearing the petitioner, within a period of two months thereafter. To enable the 2nd respondent to do this, I quash Ext.P5 notice. The petitioner shall produce a copy of the writ petition along with a copy of this judgment before the 2nd respondent for further action.

The writ petition is disposed as above.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns

