

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 28TH DAY OF OCTOBER 2015/6TH KARTHIKA, 1937

WP(C) .No. 28988 of 2015 (W)

PETITIONER:

THOMSON.C.VARGHESE, MANAGER,
ST.JOHN'S SYRIAN HIGHER SECONDARY SCHOOL AND
TEACHER TRAINING INSTITUTE, VADAKARA,
OLIYAPPURAM P.O., KOOHATTUKULALM, ERNAKULAM.

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 INSTRUCTONS,
THIRUVANANTHAPURAM PIN 695 014.
3. V.K. SARALAMMA, FORMER ADDITIONAL DIRECTOR OF PUBLIC
INSTRUCTIONS, NOW RESIDING APARTMENT NO.7D, RUBBER
RESIDENCY, KANJIKUZH, MUTTAMBALAM P.O., KOTTAYAM 686 004

BY GOVERNMENT PLEADER SMT. M.J. RAJASREE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
28-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

- P1: TRUE COPY OF THE JUDGMENT IN WPC NO.20652/2012 DATED 30.1.2012.
- P2: TRUE COPY OF THE JUDGMENT IN WA NO.358/2013 DATED 7.3.2013.
- P3: TRUE COPY OF the PROCEEDINGS NO.B4/4891/2012 DATED 21.3.2013.
- P4: TRUE COPY OF THE SHOW-CAUSE NOTICE NO.VI/34651/2012/DPI DATED 29.5.2012.
- P5: TRUE COPY OF the REPLY NO. A-349/2012-13 DATED 8.6.2012
SUBMITTED BY THE PETITIONER.
- P6: TRUE COPY OF THE COMMUNICATION NO.18972/A2/2011/G.EDN DATED 6.8.2011.
- P7: TRUE COPY OF THAT LETTER NO. NO.18972/A2/2011/G.EDN DATED 12.3.2012.
- P8: TRUE COPY OF THE ORDER NO.K.DIS/EC(3)/34651/2012/DPI/L.DIS DATED 27.5.2013.
- P9: TRUE COPY OF THE ORDER NO.K.DIS/EC(3)/34651/2012/DPI/L.DIS DATED 27.5.2013.
- P10: TRUE COPY OF THE G.O. (Rt) 2171/2012/G.Edn DATED 11.5.2012.
- P11: TRUE COPY OF THE LETTER NO.VI/20352/11/DPI DATED 13.6.2012.
- P12: TRUE COPY OF THE ORDER NO.EC(3)41433/2014/DPI/K.Dis DATED 5.9.2014.
- P13: TRUE COPY OF the SHOW-CAUSE NOTICE NO.B1/5133/10 DATED 8.10.2014.
- P14: TRUE COPY OF THE ORDER NO.B1/5133/10 DATED 27.10.2014.
- P15: TRUE COPY OF THAT ORDER IN WPC NO. 28737/2014 DATED 4.11.2014.
- P16: TRUE COPY OF THE ORDER NO.EC(3)41433/2014/DPI/K.DIS DATED 21.3.2015.
- P17: THE TRUE COPY OF the COMMUNICATION NO.20331/F3/15/G.EDN DATED 16.4.2015 FROM THE PRINCIPAL SECRETARY TO GOVERNMENT TO THE 2ND RESPONDENT.
- P18: TRUE COPY OF THE REQUEST FILED BY THE PETITIONER DATED 18.4.2015.
- P19: TRUE COPY OF THE PETITION FILED BY THE PETITIONER DATED 20.4.2015.
- P20: TRUE COPY OF the NOTICE NO.EC3/82278/2014/DPI DATED 12.8.2015.
- P21: TRUE COPY OF THE REPORT SUBMITTED BY THE 3RD RESPONDENT.
- P22: TRUE COPY OF THE NOTICE NO.B4/3797/2011 DATED 22.8.2011.

- P23: TRUE COPY OF THE CIRCULAR NO.45713(i)/M3/05/G.EDN DATED 10.3.2006.
- P24: THE INSPECTION REPORT OF THE ASSISTANT ENGINEER, LOCAL SELF GOVERNMENT DEPARTMENT SECTION, THIRUMARADY/ELENJI FOR THE YEAR 2011-12.
- P25: THE INSPECTION REPORT OF THE ASSISTANT ENGINEER, LOCAL SELF GOVERNMENT DEPARTMENT SECTION, THIRUMARADY/ELENJI FOR THE YEAR 2012-13.
- P26: THE INSPECTION REPORT OF THE ASSISTANT ENGINEER, LOCAL SELF GOVERNMENT DEPARTMENT SECTION, THIRUMARADY/ELENJI FOR THE YEAR 2015-16.
- P27: TRUE COPY OF THE STATEMENT SHOWING THE PERCENTAGE OF PASS DATED 24.3.2014.

RESPONDENTS' EXHIBITS: NIL.

TRUE COPY

P.A. TO JUDGE.

kp/-

K. VINOD CHANDRAN, J.

W.P(C). No.28988 of 2015-W

Dated this the 28th day of October, 2015.

JUDGMENT

The petitioner is aggrieved with the enquiry report at Ext.P21 and apprehends that he would be disqualified by the 2nd respondent, to whom the enquiry report has been submitted. The essential contention raised against the enquiry report is that, it goes beyond the terms of enquiry as stipulated in Ext.P22.

2. According to the Manager, Ext.P22 enquiry was contemplated only for looking into the allegation of "fraud admissions and maintenance of academic and infrastructural facilities of the School". The Enquiry Officer appointed by the DEO has gone beyond the scope of enquiry and has also looked into the allegations raised by the teachers of the School and the Parent-Teacher Association.

3. On a reading of Ext.P21, it cannot at all be said that the allegations raised could not have been looked into by the Enquiry Officer, since they are very serious in nature. When such serious allegations are raised necessarily the Enquiry Officer, a duly

constituted authority under the KER has to take note of it and initiate appropriate proceedings.

4. The contention of the petitioner is that, the petitioner was not put to notice of such allegations. In any event, the enquiry report only brings to the notice of the DPI the various defects found out in the enquiry against the Manager. The further proceedings would definitely have to be after getting an explanation from the Manager and conducting any further enquiry, if it is so required. The petitioner could definitely raise his objections before the DPI against all the allegations reported.

In such circumstance, the issue shall be considered in accordance with the directions in WP(C) No.26052 of 2015. The writ petition would stand closed leaving open all contentions of the petitioner, including his contentions against the allegations raised in the enquiry report.

The writ petition is closed with the above observations. No costs.

Sd/-
K. VINOD CHANDRAN,
JUDGE.
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