

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 30TH DAY OF NOVEMBER 2015/9TH AGRAHAYANA, 1937

WP(C).No. 29412 of 2015 (B)

PETITIONER(S):

**THE MANAGER, AGED 57 YEARS
GRACEY MEMORIAL HIGH SCHOOL
PARATHODU, KANJIRAPPALLY.**

**BY ADVS.SRI.S.EASWARAN
SRI.P.MURALEEDHARAN (IRIMPANAM)
SRI.M.A.AUGUSTINE
SRI.P.SREEKUMAR (THOTTAKKATTUKARA)
SMT.SOUMYA JAMES**

RESPONDENTS:

- 1. THE DISTRICT EDUCATIONAL OFFICER
KANJIRAPPALLY-686 507.**
- 2. SMT.MANJOOSHA MATHEW,
AMBATTUPOTHYIL HOUSE, P.O. THIDANADU
KOTTAYAM-686 123.**

**BY ADV. SRI.GEORGE POONTHOTTAM
BY GOVERNMENT PLEADER SRI. S. JAMAL**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30-11-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS :-

- EXT.P1 : COPY OF ORDER DT 10-08-2012 ISSUED BY THE PETITIONER.
- EXT.P2 : COPY OF ORDER DATED 23-08-2012 ISSUED BY THE 1ST RESPONDENT.
- EXT.P3 : COPY OF ORDER NO.B3/7637/09 DATED 14-02-2013 ISSUED BY THE 1ST RESPONDENT.
- EXT.P4 : COPY OF REPORT NO.B3/763/2009 DATED 30-05-2015 OF THE 1ST RESPONDENT.
- EXT.P5 : COPY OF SHOW CAUSE DATED 29-06-2015 ISSUED BY THE PETITIONER TO THE 2ND RESPONDENT.
- EXT.P6 : COPY OF PROCEEDINGS DATED 22-08-2015 ISSUED BY THE 1ST RESPONDENT.
- EXT.P7 : COPY OF LETTER DATED 19-09-2015 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

RESPONDENTS' EXHIBITS:- NIL

- EXT.R2(A) : COPY OF THE OBJECTION DATED 11.07.2015.

//TRUE COPY//

P.A. TO JUDGE

sp

K. VINOD CHANDRAN, J.

W.P(C). No.29412 of 2015-B

Dated this the 30th day of November, 2015.

JUDGMENT

The petitioner is aggrieved with Ext.P6 order, wherein the punishment of removal from service proposed to be imposed was found to have no nexus with the misconduct alleged and proved and directed a lesser punishment to be imposed. Admittedly, the petitioner has a remedy by way of a revision under Rule 92 of Chapter 14A of the KER.

In such circumstance, leaving the petitioner to challenge the order before the revisional authority, this Court declines invocation of discretionary jurisdiction. It is made clear that the 2nd respondent would also be entitled to challenge the proceedings of enquiry, if so advised.

Leaving open all the contentions of either parties, the writ petition would stand closed.

Sd/-
K. VINOD CHANDRAN,
JUDGE.

//True Copy//

P.A. to Judge.