

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM

THURSDAY, THE 8TH DAY OF JANUARY 2015/18TH POUSHA, 1936

WP(C).No. 33840 of 2014 (D)

PETITIONER(S) :

**A.GEETHA, AGED 46 YEARS,
HEADMISTRESS, AIDED UPPER PRIMARY SCHOOL, PERINKULAM,
ALATHUR, PALAKKAD DISTRICT.**

BY ADV. DR.GEORGE ABRAHAM

RESPONDENT(S):

- 1. THE ASSISTANT EDUCATIONAL OFFICER,
ALATHUR, PALAKKAD DISTRICT.**
- 2. THE DEPUTY DIRECTOR OF EDUCATION,
PALAKKAD-678 001.**
- 3. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM-695 001.**
- 4. BLOCK PROGRAMME OFFICER,
BLOCK RESOURCES CENTRE
C/O. GOVERNMENT UPPER PRIMARY SCHOOL, PUTHIYANGAM,
ALATHUR, PALAKKAD DISTRICT- 678 541.**
- 5. THE MANAGER,
AIDED UPPER PRIMARY SCHOOL, PERINKULAM, ALATHUR,
PALAKKAD DISTRICT- 678 541.**

R1 TO R3 BY GOVERNMENT PLEADER SRI.V.VIJULAL

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

P1: TRUE COPY OF THE TIME TABLE PUBLISHED BY THE 3RD RESPONDENT.

P1(A): ENGLISH TRANSLATION OF EXHIBIT P1.

**P2: TRUE COPY OF THE REVISED TIME TABLE ISSUED BY
THE 3RD RESPONDENT.**

P2(A): ENGLISH TRANSLATION OF EXHIBIT P2.

**P3: TRUE COPY OF THE LIST OF STUDENTS CONTAINING THE SIGNATURE OF
THE INVIGILATORS.**

P4: TRUE COPY OF THE REPORT OF THE VISIT OF RESPONDENTS 1 AND 4.

P5: TRUE COPY OF THE RECEIPT ISSUED BY RESPONDENTS 1 AND 4.

**P6: TRUE COPY OF THE SUSPENSION ORDER DATED 11-12-2014 ISSUED BY
THE ASSISTANT EDUCATIONAL OFFICER.**

P6(A): ENGLISH TRANSLATION OF EXHIBIT P6.

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

C.K. ABDUL REHIM, J.

W.P.(c) No. 33840 OF 2014-D

DATED THIS THE 8th DAY OF JANUARY, 2015.

J U D G M E N T

The petitioner is the Headmistress of an aided U.P. School. She is approaching this court aggrieved by Ext.P6 order of suspension issued by the 1st respondent. It is evident from Ext.P6 that the petitioner was suspended invoking powers vested under Rule 67 (2) of Chapter XIVA K.E.R, in contemplation of enquiry proposed. The allegation was that the petitioner, in her capacity as H.M, had conducted the mid term examination at the school on 11-12-2014, whereas the Education Department had scheduled the said examination only to 12-12-2014. Contention of the petitioner is that the examination was originally scheduled on 11-12-2014 and that she had not received any information about the re-scheduling till 2.30 p.m. on 11-12-2014.

2. Whether the petitioner was guilty of conducting the examination on 11-12-2014, despite knowledge about the re-scheduling is a matter which require to be find out through an enquiry. Against the impugned order of suspension the petitioner has got a remedy to approach the 1st respondent himself seeking revocation of the order as provided under Rule 67 (6) of Chapter

XIVA K.E.R. The petitioner has also got another remedy to file appeal against the order of suspension to the next higher authority as contemplated under Rule 79 of Chapter XIVA K.E.R. It is proper that the petitioner may seek any of the said remedies, as advised. This court dealing with this writ petition under Article 226 cannot venture upon any adjudication on the factual aspects relating to the allegation upon which the petitioner was suspended.

3. Under the above mentioned circumstances this writ petition is disposed of by granting liberty to the petitioner to seek appropriate remedy against Ext.P6. Needless to observe that if the petitioner approaches the 1st respondent seeking revocation of the suspension or if she approaches the appellate authority under Rule 79, the authority concerned shall deal with such application and shall take appropriate decision without any further delay.

Sd/-
C.K. ABDUL REHIM
JUDGE

AMG

True copy

P.A. to Judge