

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 17TH DAY OF DECEMBER 2015/26TH AGRAHAYANA, 1937

WP(C).No. 33932 of 2015 (N)

PETITIONER:

**N.GIRIJA, AGED 52 YEARS
W/O.GOPI, LPSA, LUTHERAN MISSION LOWER PRIMARY SCHOOL
MELPORNUTHAMON, THIRUVANANTHAPURAM
RESIDING AT DARSHANA, KAVARA, VENJARAMOODU
THIRUVANANTHAPURAM, PIN-695 607.**

**BY ADVS.SRI.P.K.IBRAHIM
SMT.K.PAMBIKA
SMT.A.A.SHIBI**

RESPONDENTS:

**1. THE MANAGER, CORPORATE MANAGEMENT OF LUTHERAN SCHOOLS
CORPORATE MANAGEMENT OF LUTHERAN SCHOOLS
THIRUVANANTHAP[URAM, SYNODE, BALARAMAPURAM.P.O
THIRUVANANTHAPURAM-695 015.**

**2. SMT.L.SUPRABHA DEVI,
L.P.S.A, LUTHERAN MISSION LOWER PRIMARY SCHOOL
ARIVARIKUZHI, KATTUMPURAM.P.O., KALLARA
THIRUVANANTHAPURAM-695 608.**

**Addl.3. THE DIRECTOR OF PUBLIC INSTRUCTIONS
THIRUVANANTHAPURAM**

**Addl.4. THE ASSISTANT EDUCATIONAL OFFICER
KILIMANNOOR, THIRUVANANTHAPURAM.**

**Addl.5. THE HEADMISTRESS
LUTHERAN MISSION LOWER PRIMARY SCHOOL
MELPORUNTHAMON, THIRUVANANTHAPURAM.**

**[ADDL.R3 TO R5 ARE IMPEADED AS PER ORDER DATED 16.11.2015 IN
IA NO.16550/15]**

BY ADV. SRI.D.KISHORE

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17-12-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS :-

- EXT. P1 - COPY OF THE ORDER DATED 06.11.2015 OF THE 1ST
RESPONDENT.
- EXT. P2 - COPY OF THE MEDICAL CERTIFICATE DATED 07.11.2015.
- EXT.P3 - COPY OF THE SUBMISSION DATED 10.11.2015 MADE BEFORE
THE DPI.

RESPONDENTS' EXHIBITS:-

- EXT.R1(A) - COP OF THE PROCEEDINGS NO.F(3)/69274/15/DPI/K.DIS DATED
18.09.2015 OF THE DIRECTOR OF PUBLIC INSTRUCTIONS.
- EXT.R1(B) - COPY OF THE REPRESENTATION DATED 25.05.2015
SUBMITTED BY THE PARENT TEACHERS ASSOCIATION AND
SCHOOL SUPPORTING GROUP BEFORE THE 1ST
RESPONDENT.
- EXT.R1(C) - COPY OF THE LETTER DATED 21.08.2015 SUBMITTED BY THE
HEADMISTRESS LMLPS MELPERHUTHAMON TO THE 1ST
RESPONDENT.

//TRUE COPY//

P.A. TO JUDGE

sp

K. VINOD CHANDRAN, J.

W.P(C). No.33932 of 2015-N

Dated this the 17th day of December, 2015.

JUDGMENT

The petitioner is aggrieved with the fact that the petitioner has been transferred to a School by Ext.P1 and alleges that the reasons stated therein cannot be sustained to bring out an administrative exigency. A reading of Ext.P1 would indicate that the DPI had directed consideration of a transfer request of one Jayasree, which was granted. But along with that, the petitioner was also transferred from Melporunthaman to Arivarikuzhi. The petitioner contends on the basis of Ext.P2 Medical Certificate that the petitioner has been

suffering from various ailments and the petitioner has to travel almost 20kms and then walk 2 kms to reach the present School. There is also no administrative exigency to transfer the petitioner in the midst of an academic year, is the further contention.

2. The learned Standing Counsel appearing for the Management has filed a detailed Counter Affidavit, in which it is stated that there were some complaints from the PTA and that the petitioner was transferred only in the best interest of the School and the petitioner; so that no disciplinary proceedings as such are taken against her. The petitioner has also, after the filing of the writ petition, filed a representation at Ext.P3 before the DPI. In any event, there is an appeal provided against

transfer in the aided Schools, to the DPI. The DPI shall construe Ext.P3 as an appeal and consider the same. However, the interim order granted by this Court shall stand vacated, since it is submitted that even before the interim order was granted, the 2nd respondent had joined the School at Melporunthaman.

In such circumstance, the transfer of the petitioner to Arivarikuzhi shall be made effective, but however the same shall depend on the final orders passed by the DPI. The DPI shall pass orders on the appeal after hearing the petitioner and the Manager within a period of one month from the date of issuance of the certified copy of this judgment. The petitioner and the Manager shall appear before the Office of the DPI on 22.12.2015, on which date, if the

DPI is present in his Office, the hearing shall be conducted and if not, the Office of the DPI shall give a date of hearing on the 1st week of January and the same shall be conducted and finished within the time stipulated.

The writ petition is disposed of. No costs.

Sd/-

**K. VINOD CHANDRAN,
JUDGE.**

//True Copy//

P.A. to Judge.

sp/17/12/15