IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE MR.JUSTICE P. KRISHNA KUMAR

FRIDAY, THE 11TH DAY OF APRIL 2025 / 21ST CHAITHRA, 1947

OP(KAT) NO. 180 OF 2025

AGAINST THE ORDER DATED 10.10.2024 IN OA (EKM) NO.667 OF 2022 OF KERALA ADMINISTRATIVE TRIBUNAL AT THIRUVANANTHAPURAM (ADDITIONAL BENCH, ERNAKULAM)

PETITIONER/APPLICANT IN OA:

K.R. SMITHA, AGED 52 YEARS, D/O K. BHANUMATHY, JUNIOR SUPERINTENDENT, OFFICE OF THE DISTRICT EDUCATION OFFICER, DOWN HILL, MALAPPURAM – 676 501 RESIDING AT KUNNATH HOUSE, PUZHITHARA, KOTTAKKAL, MALAPPURAM., PIN – 676 503

BY ADV J.G.SYAMNATH

RESPONDENTS/RESPONDENTS IN OA:

1 STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN – 695 001

2 THE DIRECTOR OF GENERAL EDUCATION, JAGATHY, THIRUVANANTHAPURAM., PIN – 695 014

3 THE DEPUTY DIRECTOR OF EDUCATION, DOWN HILL, MALAPPURAM., PIN – 676 519

SUNILKUMAR KURIAKOSE GP

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING COME UP FOR ADMISSION ON 11.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J U D G M E N T

A. Muhamed Mustaque, J.

The petitioner, challenging disciplinary action, approached the Kerala Administrative Tribunal. The Tribunal found that the petitioner had not invoked the appellate remedy, and relegated the petitioner to approach the appellate forum for challenging that disciplinary action. If that be the case, we need not interfere with the matter, as the petitioner has not exhausted her statutory remedy.

With liberty to approach the appellate forum, this original petition is disposed of.

Sd/-
A.MUHAMED MUSTAQUE
JUDGE

Sd/-
P. KRISHNA KUMAR
JUDGE

PR

APPENDIX OF OP(KAT) 180/2025

PETITIONER ANNEXURES

Annexure-A1	**TRUE COPY OF THE MEMO OF CHARGES NO. VB6/7757/19/DGE (II) DATED 04-01-2020 FROM THE 2ND RESPONDENT TO THE APPLICANT**
Annexure-A2	**TRUE COPY OF THE WRITTEN OBJECTION DATED 21-01-2020 FROM THE APPLICANT TO THE 2ND RESPONDENT**
Annexure-A3	**TRUE COPY OF THE LETTER NO. GEN. EDN. DPT. C-3/21/2020/GEN.EDN.DPT DATED 26-03-2021 FROM THE 1ST RESPONDENT TO THE 2ND RESPONDENT**
Annexure-A4	**TRUE COPY OF THE PROCEEDINGS NO.D1/1978/2021/DGE DATED 04-05-2021 OF THE 2ND RESPONDENT**
Annexure-A5	**TRUE COPY OF THE LETTER NO.VB/3/7757/2019/DGE DATED 20-07-2021 FROM THE 2ND RESPONDENT TO THE 1ST RESPONDENT**
Annexure-A6	**TRUE COPY OF THE ORDER IN O.A.(EKM) NO. 1501/2021 DATED 23-09-2021 OF THE KERALA ADMINISTRATIVE TRIBUNAL, ADDITIONAL BENCH, ERNAKULAM**
Annexure-A7	**TRUE COPY OF THE ORDER IN O.A.(EKM) NO. 1501/2021 DATED 2-12-2021 OF THE KERALA ADMINISTRATIVE TRIBUNAL, ADDITIONAL BENCH, ERNAKULAM**
Annexure-A8	**TRUE COPY OF THE ORDER NO. 5654/2021/GEN.EDN.DPT. DATED 04-12-2021 OF THE 1ST RESPONDENT**
Annexure-A9	**TRUE COPY OF THE PROCEEDINGS NO. VB3/7757/2019/DGE DATED 08-12-2021 OF THE 2ND RESPONDENT**

Annexure-A10	**TRUE COPY OF THE ORDER DATED 22-12-2021 IN OA(EKM) NO. 2037/2021 BEFORE THE KERALA ADMINISTRATIVE TRIBUNAL, ADDL. BENCH, ERNAKULAM**
Annexure-A11	**TRUE COPY OF THE ENQUIRY REPORT NO. V.B3/7757/2019/DGE DATED 21-02-2022 FROM THE 2ND RESPONDENT**
Annexure-A12	**TRUE COPY OF THE SHOW CAUSE NOTICE NO. V.B.3/7757/2019/DGE DATED 05-04-2022 FROM THE 2ND RESPONDENT**
Annexure-A13	**TRUE COPY OF THE LETTER DATED 29-04-2022 FROM THE APPLICANT TO THE 2ND RESPONDENT**
Annexure-A14	**TRUE COPY OF THE PROCEEDINGS NO. V.B.3/7757/2019/DGE DATED 10-05-2022 FROM THE 2ND RESPONDENT**
Annexure-R2(a)	**TRUE COPY OF THE HEARING NOTICE NO. VB3/7757/2019/DGE DATED 04-05-2022 OF THE DIRECTORATE OF GENERAL EDUCATION**
Annexure-R2(b)	**TRUE COPY OF RECEIPT GIVEN BY SRI.VIPIN S. DATED 03-05-2022**
Exhibit-P1	**A TRUE COPY OF THE ORDER DATED 10.10.2024 OF THE KERALA ADMINISTRATIVE TRIBUNAL (ADDITIONAL BENCH, ERNAKULAM) IN O.A. (EKM) NO. 667 OF 2022**
Exhibit-P2	**A TRUE COPY OF THE ORIGINAL APPLICATION AND ITS ANNEXURES DATED 10.10.2024 OF THE KERALA ADMINISTRATIVE TRIBUNAL (ADDITIONAL BENCH, ERNAKULAM) IN O.A. (EKM) NO. 667 OF 2022**