

Manager Vs. the Secretary

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Court : Kerala

Decided On : Aug-02-2013

Judge : Honourable Mr.Justice C.T.Ravikumar

Appellant : Manager

Respondent : The Secretary

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE C.T.RAVIKUMAR FRIDAY, THE 2ND DAY OF AUGUST 2013 11TH SRAVANA, 1935 WP(C).No. 18639 of 2013 (D) ----- PETITIONER(S): ----- MANAGER, S.N.V.U.P. SCHOOL, SELLIAMPARA, VELLATHOOVAL, IDUKKI DISTRICT. BY ADV. SRI.P.M.POULOSE RESPONDENT(S): ----- 1. THE SECRETARY TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM-695 001.

2. P.R.PRASANNAKUMARI, HEADMISTRESS, (UNDER SUSPENSION), S.N.V.U.P.SCHOOL, SELLIAMPARA, VELLATHOOVAL, IDUKKI DISTRICT-685 563. R1 BY GOVERNMENT PLEADER SMT.A.LOWSY THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02-08-2013, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: Kss WP(C).No. 18639 of 2013 (D) ----- APPENDIX PETITIONER(S)' EXHIBITS: ----- EXHIBIT P1. TRUE COPY OF THE

PROCEEDINGS NO.EB-2/2013 DATED 21 06.2013. EXHIBIT P2. TRUE COPY OF THE CHARGE SHEET DATED 27 06.2013 SUBMITTED BY THE PETITIONER. EXHIBIT P3. TRUE COPY OF THE ADDITIONAL CHARGE SHEET DATED 06 07.2013 ISSUED BY THE MANAGER SREE NARAYANA VILASOM UPPER PRIMARY SCHOOL, SELLIAMPARA. EXHIBIT P4. TRUE COPY OF ORDER NO.E 2680/13 DATED 03 07.2013. EXHIBIT P5. TRUE COPY OF THE REVISION FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DATED 12 07.2013. RESPONDENT(S)' EXHIBITS:

----- N I L /TRUE COPY/ P.A.TO JUDGE Kss C.T.RAVIKUMAR, J ----- W.P.(C). No. 18639 of 2013

----- Dated this the 2nd day of August, 2013
JUDGMENT The petitioner is the Manager of SNVUP School, Selliampara. He placed the second respondent, the Headmistress of the said school under suspension as per Ext.P1 order. After conducting a preliminary investigation in tune with the provisions under Rule 67 (8) of Chapter XIVA of the Kerala Education Rules the Assistant Educational Officer directed the petitioner to reinstate the second respondent as per Ext.P4. Feeling aggrieved by Ext.P4 the petitioner preferred Ext.P5 revision petition before the first respondent. Essentially, the prayer of the petitioner is for an expeditious disposal of Ext.P5. True that, petitioner has also sought for staying the implementation of Ext.P4 order in Ext.P5.

2. I have heard the learned counsel for the petitioner and also the learned Government Pleader.

3. Admittedly, the petitioner has preferred Ext.P5 revision petition against Ext.P4 order and it is still pending before the first respondent. In view of the order I propose to pass in this petition I do not think it necessary to issue notice to the 2nd respondent in this proceedings. In the said W.P.(C). No. 18639 o

2. circumstances, without making any observation as to merits of the contentions raised by the petitioner either in this writ petition or in Ext.P5 revision petition this writ petition is disposed of with a direction to the first respondent to consider and pass appropriate orders on Ext.P5 revision petition expeditiously, at any rate, within a period of three months from the date of receipt of a copy of this judgment.

In case the petitioner desires to move the first respondent for an interim order staying the implementation of Ext.P4 order it will be open to the petitioner to move appropriate petition for that behalf before the first respondent within a week from the date of receipt of a copy of this judgment. In case the petitioner files such a petition the same shall be taken up and orders shall be passed thereon within one month from the date of receipt of a copy of such petition. It is made clear that it will be open to the first respondent to dispose of the revision petition itself within above stipulated period and in which event the orders need not be passed on the interim petition. Needless to say that before passing orders on Ext.P5 revision petition and also on petition if filed by the petitioner for staying Ext.P4 second respondent shall also be put on notice. Sd/- C.T.RAVIKUMAR,JUDGE dlk

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