

P.Riyad Vs. the State of Kerala

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Court : Kerala

Decided On : Oct-28-2013

Judge : Honourable Mr.Justice C.T.Ravikumar

Appellant : P.Riyad

Respondent : The State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE C.T.RAVIKUMAR MONDAY, THE 28TH DAY OF OCTOBER 2013 6TH KARTHIKA, 1935 WP(C).No. 25225 of 2013 (C) ----- PETITIONER(S): ----- P.RIYAD AGED 37 YEARS S/O. POKKER HAJI LOWER GRADE ARABIC TEACHER (UNDER SUSPENSION) DEVERKOVIL WEST LOWER PRIMARY SCHOOL P.O. THALIYIL, KUTTIADI (RESIDING AT PARAPPUMMAL P.O. KAYAKODI, KUTTIADI, KOZHIKODE DISTRICT-673508.) BY ADVS.SRI.V.A.MUHAMMED SRI.M.SAJJAD RESPONDENT(S): ----- 1. THE STATE OF KERALA REPRESENTED BY ITS SECRETARY TO GOVERNMENT GENERAL EDUCATION DEPARTMENT, SECRETARIAT THIRUVANANTHAPURAM-695001.

2. THE DIRECTOR OF PUBLIC INSTRUCTIONS, JAGATHY, THIRUVANANTHAPURAM-695014.

3. THE DISTRICT EDUCATIONAL OFFICER P.O. VADAKARA, KOZHIKODE-673101.

4. THE ASSISTANT EDUCATIONAL OFFICER KUNNUMMAL, . P.O. MOKERI, KOZHIKODE-673507.

5. THE MANAGER DEVERKOVIL WEST LOWER PRIMARY SCHOOL, P.O. THALIYIL (VIA) KUTTIADI, KOZHIKODE67350.

6. THE HEADMASTER, DEVERKOVIL WEST LOWER PRIMARY SCHOOL, P.O. THALIYIL (VIAL) KUTTIADI, KOZHIKODE-673508. R1 TO4BY GOVERNMENT PLEADER SMT.LOUSY A. THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON2810-2013, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C).No. 25225 of 2013 (C) -----
APPENDIX PETITIONER(S)' EXHIBITS : ----- P1. TRUE COPY OF THE SUSPENSION

ORDER

DATED2712-12 OF THE MANAGER. P2. TRUE COPY OF THE

ORDER

NO. B/6032/12 DATED71-2013 OF THE4H RESPONDENT. P3. TRUE COPY OF THE MEMO OF CHARGES AND STATEMENT OF ALLEGATION DATED221-2013 OF THE MANAGER. P4. TRUE COPY OF THE LETTER DATED215-2013 SENT BY THE MANAGER TO THE PETITIONER. P5. TRUE COPY OF THE STATEMENT OF DEFENCE DATED226-2013 OF THE PETITIONER. P6. TRUE COPY OF THE

ORDER

IN CRL. M.C. NO. 674/2013 DATED43-2013 OF THIS HON'BLE COURT. P7. TRUE COPY OF THE AFFIDAVIT OF THE PARENTS. P8. TRUE COPY OF THE

ORDER

NO. B5/2227/13/K. DIS. DATED267-2013 OF THE3D RESPONDENT. P9. TRUE COPY OF THE REVISION PETITION DATED208-2013 FILED BEFORE THE GOVERNMENT. RESPONDENT(S)' EXHIBITS:NIL -----

----- W.P.(C)No.25225 of 2013 ----- Dated
28th October, 2013

JUDGMENT

The petitioner is a Lower Grade Arabic Teacher in Deverkovil West Lower Primary School, Thaliyil under the 5th respondent. The 5th respondent placed the petitioner under suspension as per Ext.P1 with effect from 27.12.2012. The allegation was that he misbehaved towards a student in Standard V. The contention of the petitioner is that he was placed under suspension taking into account the registration of Crime No.422 of 2012 of Thottipalam police station. The further contention of the petitioner is that seeking quashment of the aforesaid crime and all further proceedings pursuant to Annexure-A F.I.R. registered in that crime he filed Crl.M.C.No.674 of 2013 under Section 482 of the Code of Criminal Procedure. The said Crl.M.C. was allowed as per Ext.P6 order. As per the same, Annexure-A F.I.R. was quashed and all further proceedings pursuant thereto were ordered to be held as dropped. Thereafter, the petitioner approached the third respondent. However, the third respondent refused to reinstate the petitioner as per Ext.P8. Feeling aggrieved by Ext.P8 order of the third respondent the petitioner preferred Ext.P9 revision petition before the Government. The said revision petition is still pending. The petitioner is aggrieved by the delay in the matter of disposal of Ext.P9 revision WP(C).No.25225/2013 2 petition as also the inaction on the part of the respondents in disbursing the subsistence allowance.

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

3. The learned Government Pleader submitted that the petitioner was not paid the subsistence allowance for the reason that he has not produced the non-employment certificate for the relevant period. It is further submitted that Ext.P9 revision petition is still pending. In the said circumstances, this writ petition is disposed of as hereunder:- The first respondent shall consider Ext.P9 revision petition filed by the petitioner against Ext.P8 order expeditiously and in accordance with law, at any rate, within a period of two months from the date of receipt of copy

of this judgment. In the meanwhile, the respondents shall take appropriate steps for disbursing the subsistence allowance legally payable to the petitioner in case he produces the non- employment certificate for the relevant period to enable the respondents to disburse the subsistence allowance. In case the petitioner produces WP(C).No.25225/2013 3 such non-employment certificate in respect of the relevant period, it should be disbursed to him within a further period of one month. Sd/- C.T.RAVIKUMAR Judge TKS

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