

The Manager Vs. the District Educational Officer and anr

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Court : Kerala

Decided On : Jan-30-2014

Judge : Honourable Mr. Justice a.V.Ramakrishna Pillai

Appellant : The Manager

Respondent : The District Educational Officer and anr

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI THURSDAY, THE 30TH DAY OF JANUARY 2014 10TH MAGHA, 1935 WP(C).No. 4986 of 2011 (W) ----- PETITIONER : ----- THE MANAGER, POONATH NELLISSERY AUP SCHOOL, POONATH P.O. NADUVANNUR, KOZHIKODE DISTRICT. BY ADV. SRI.GEORGE POONTHOTTAM RESPONDENTS : ----- 1.THE DISTRICT EDUCATIONAL OFFICER, THAMARASSERY, KOZHIKODE DISTRICT.

2. THE ASSISTANT EDUCATIONAL OFFICER, PERAMBRA P.O., KOZHIKODE DISTRICT. BY SENIOR GOVERNMENT PLEADER SRI. P. FAZIL. THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30-01-2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: BP WP(C).No. 4986 of 2011 (W) APPENDIX PETITIONER'S EXHIBITS : P1: COPY OF THE

ORDER

NO. 03/2011 DT41/2011. P2: COPY OF THE

ORDER

NO. 146/11 B1 DT141/2011. P3: COPY OF THE APPEAL DT251/2011 FILED BEFORE THE R2. P4: COPY OF THE COVERING LETTER DT291/2011. P5: COPY OF THE RETURNED SALARY BILL FOR THE MONTH OF JANUARY2011 P6: COPY OF THE COMMUNICATION DT52/2011. RESPONDENT'S EXHIBITS : NIL. //TRUE COPY// P.A. TO JUDGE BP A.V.RAMAKRISHNA PILLAI, J ----- W.P.(C) No.4986 of 2011 ----- Dated this the 30th day of January, 2014

JUDGMENT

The petitioner has come up before this Court alleging that the salary bill of the school manned by the petitioner has been rejected on the ground that the salary of the teacher under suspension was not regularised.

2. The petitioner is the Manager of a U.P.School. One of the teachers was placed under suspension. The period of suspension was not extended by the Assistant Educational Officer who was the educational officer as provided under law.

3. Against the order of the Assistant Educational Officer, the petitioner preferred an appeal before the District Educational Officer. The petitioner alleges that the same is pending. WPC No.4986 of 2011 2 4. The petitioner's grievance is that the pendency of the appeal has nothing to do with the salary bill of the staff of the school. As the suspension period was not regularised by the Manager, the Headmaster submitted the bill excluding the salary of the teacher under suspension. However, the same has been rejected on the ground that the salary of the teacher under suspension is not regularised.

5. When the matter came up for admission before this Court on 17.2.2011, this Court directed the first respondent to approve the salary bill produced as Ext.P5 herein and the salary bills for the future months, pending further orders to be passed in the petition.

6. When the matter came up for hearing, the learned counsel for the petitioner submitted that on the basis of the interim order, Ext.P5 salary bill has been passed by the first respondent. WPC No.4986 of 2011 3 Therefore, this writ petition is disposed of making it clear that the petitioner shall be entitled to the benefit of the interim order passed. However, it is made clear that if any appeal preferred by the petitioner is still pending before the District Educational Officer, the same shall be disposed of within a period of three months, after affording the petitioner and the affected parties an opportunity of being heard. sd/- A.V.RAMAKRISHNA PILLAI
JUDGE css/ true copy P.S.to Judge

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