

Rajeev Kumar V.J., vs State of Kerala,

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Court : Kerala

Decided On : Mar-25-2021

Judge : Honourable Mr. Justice Devan Ramachandran

Appeal No. : WP(C)/7596/2020

Appellant : Rajeev Kumar V.J.,

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN THURSDAY, THE 25TH DAY OF MARCH 2021 / 4TH CHAITHRA, 1943 PETITIONER: RAJEEV KUMAR V.J., AGED 58 YEARS S/O.VASUDEVAN PILLAI, KALARIKKAL HOUSE, CHERUPOIKA P.O., PAVITHRESWARAM, PUTHOOR, KOLLAM DISTRICT BY ADV. SRI.P.NANDAKUMAR RESPONDENTS:

1 STATE OF KERALA, REPRESENTED BY THE SECRETARY TO THE GOVERNMENT, DEPARTMENT OF GENERAL EDUCATION, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM,PIN-695 001 2 THE DIRECTOR OF GENERAL EDUCATION, DIRECTORATE

OF GENERAL EDUCATION, JAGATHY,
THIRUVANANTHAPURAM,PIN-695 014 3 THE DEPUTY DIRECTOR
OF EDUCATION, OFFICE OF THE DEPUTY DIRECTOR OF
EDUCATION, THEVALLAY (PO),KOLLAM, PIN-691 009 4 THE
DISTRICT EDUCATIONAL OFFICER OFFICE OF THE DISTRICT
EDUCATION OFFICER, KOTTARAKKARA, KOLLAM DISTRICT,PIN-
691 506 5 THE MANAGER, K.N.N.M.V.H.S.S AND
H.S.S.,PAVITHRESWARAM, KOLLAM DISTRICT,PIN-691 507 6 SRI.
MANIKUTTAN NAIR @ N.K.MANI, KULAMUDIYIL PUTHENVEEDU,
CHERUPOIKA P.O., PAVITHRESWARAM,PUTHOOR KOLLAM
DISTRICT, PIN - 691 507 7 SRI.K.J.GOPAKUMAR SARASWATHAM,
PADINJATTINKARA, KOTTARAKARA, KOLLAM DISTRICT, PIN - 691
507 R6 BY ADV. SRI.P.C.SASIDHARAN R6 BY ADV. SRI.K.S.ANIL
SRI.P.M.MANOJ-SR.GP THIS WRIT PETITION (CIVIL) HAVING BEEN
FINALLY HEARD ON

25.03.2021, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

JUDGMENT

Dated this the 25th day of March 2021

Even though there are various allegations, averments and assertions made and urged in this writ petition, the learned counsel for the 6th respondent pointed out that the District Educational Officer has already issued Ext.R6(a) order against the petitioner and that he has preferred an appeal against the same, which is still pending before the Director of General of Education (DGE). The learned counsel for the 6 th respondent, therefore, prayed that this writ petition be dismissed.

2. Sri. P. Nandakumar - learned counsel appearing for the

petitioner, affirmed that Ext.R6(a) order had been issued against his client, against which he has preferred Ext.P8 statutory appeal before the Director of General

Education, invoking Rule 4(3) of Chapter III of the Kerala Education Rules (KER). He, therefore, prayed that the said appeal be directed to be taken up and disposed of by the said Authority at the earliest.

3. The learned Senior Government Pleader - Sri.P.M. Manoj, submitted that if the petitioner only requires Ext.P8 to be taken up and

disposed of by the DGE within a time frame, there is no legal impediment in doing so; but prayed that this Court may not make any affirmative declarations in favour of the petitioner and leave it to the said Authority to take a decision on the appeal as per law. Taking note of the afore submissions and since, concededly, the petitioner has already invoked his alternative statutory remedy before the competent Authority, I deem it appropriate to allow this writ petition, directing the said Authority to dispose of the appeal in terms of law. Resultantly, this writ petition is allowed, directing the 2nd respondent - DGE to take up the appeal of the petitioner and dispose it of, after affording an opportunity of being heard to him, as well as the 5th respondent - Manager of the School - either physically or through video conferencing - thus culminating in an appropriate order thereon, as expeditiously as is possible, but not later than three months from the date of receipt of a copy of this judgment.

Sd/- DEVAN RAMACHANDRAN

SAS/25/03/2021 JUDGE APPENDIX PETITIONER'S EXHIBITS: EXHIBIT P1 TRUE COPY OF THE TRUST DEED BEARING NO.148/2001 DATED 11.10.2001 EXHIBIT P2 TRUE COPY OF THE REPRESENTATION DATED 30.10.2019 EXHIBIT P3 TRUE COPY OF THE REPRESENTATION DATED 04.11.2019 EXHIBIT P4 TRUE COPY OF THE NOTICE OF HEARING DATED 15.11.2019 EXHIBIT P5 TRUE COPY OF THE ORDER BEARING NO.B4/18544/2019 DATED 11.12.2019 EXHIBIT P6 TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER DATED 06.01.2020 EXHIBIT P7 TRUE COPY OF THE HEARING NOTE FILED BY THE PETITIONER EXHIBIT P8 TRUE COPY OF APPEAL DATED 08.03.2021 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT ALONG WITH STAY PETITION

RESPONDENTS'EXHIBITS: EXHIBIT R6A TRUE COPY OF THE
PROCEEDINGS NO.B5/763/2021

DATED 18.02.2021 ISSUED BY THE DISTRICT EDUCATIONAL OFFICER,
KOTTARAKARA //TRUE COPY// P.A. TO JUDGE

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