

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

THURSDAY, THE 24TH DAY OF MARCH 2022 / 3RD CHAITHRA, 1944

WA NO. 394 OF 2022

AGAINST THE ORDER/JUDGMENT IN WP(C) 793/2022 OF HIGH COURT
OF KERALA

APPELLANT/S:

SREELEKHA K.P
AGED 46 YEARS
WIFE OF AJAYAKUMAR,
PRINCIPAL IN CHARGE,
MAHAKAVI KUMARAN ASAN MEMORIAL
HIGHER SECONDARY SCHOOL,
PALLANA, ALAPPUZHA DISTRICT
PIN - 690515
BY ADV R.K.MURALEEDHARAN

RESPONDENT/S:

- 1 STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT, SECRETARIAT, ANNEXE
II, THIRUVANANTHAPURAM
PIN - 695001
- 2 THE DIRECTOR OF GENERAL EDUCATION, (HIGHER
SECONDARY WING)
HOUSING BOARD BUILDINGS, SANTHI NAGAR,
THIRUVANANTHAPURAM
PIN - 695001
- 3 THE REGIONAL DEPUTY DIRECTOR OF HIGHER SECONDARY
EDUCATION
THAMBAYATHIL BUILDING,
CHENGANNUR, ALAPPUZHA DISTRICT
PIN - 689121
- 4 THE DISTRICT EDUCATIONAL OFFICER
MEDICAL COLLEGE JUNCTION, ALAPPUZHA, PIN - 688005
- 5 THE MANAGER, MAHAKAVI KUMARANASAN MEMORIAL HIGHER

SECONDARY SCHOOL
PALLANA, ALAPPUZHA DISTRICT - 690515
PIN - 690515

6 THE HEAD MASTER, MAHAKAVI KUMARAN ASAN MEMORIAL
HIGHER SECONDARY SCHOOL
PALLANA, ALAPPUZHA DISTRICT, PIN - 690515

7 R.HARITHA RESHMI.R
(MISTAKENLY SHOWN AS R. HARIDAS RESHMI)
HIGHER SECONDARY SCHOOL TEACHER (ENGLISH)
MAHAKAVI KUMARAN ASAN MEMORIAL HIGHER SECONDARY
SCHOOL, PALLANA, ALAPPUZHA DISTRICT
PIN - 690515

OTHER PRESENT:

GOVERNMENT PLEADER SRI BIJOY CHANDRAN

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
24.03.2022, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

**A.K.JAYASANKARAN NAMBIAR. J.,
&
MOHAMMED NIAS.C.P.J.**

.....
W.A. NO. 394 of 2022
.....

Dated this the 24th day of March, 2022

JUDGMENT

A.K. Jayasankaran Nambiar, J.

This Writ Appeal is preferred by the petitioner in W.P. (C) 793 of 2022 aggrieved by the judgment dated 11-01-2022 of the learned Single Judge in the Writ Petition.

2. Although the judgment of the learned Single Judge gives the impression that the learned counsel for the petitioner had sought permission to withdraw the Writ Petition with liberty to take recourse in accordance with law in a Writ Appeal preferred by the State against the judgment of another learned Single Judge in Writ Petition No. 41809 of 2017, it appears that the prayer in the Writ Petition that was disposed by the impugned judgment was only for a direction to the second respondent before whom the writ petitioner had preferred a representation (Ext. P2), to

consider and dispose the same within a time frame and to keep in abeyance the disciplinary proceedings threatened against the petitioner by the educational authorities in the meanwhile. It is the submission of the learned counsel for the appellant that the learned Single Judge recorded that counsel for the petitioner has sought permission to withdraw the writ petition based on an erroneous appreciation of the submissions of the learned counsel and this was what led to the dismissal of the writ petition as withdrawn.

3. While under normal circumstances, we would have relegated the appellant herein to her remedy of seeking a review of the impugned judgment, in as much as it records facts that had transpired in the court at the time of the hearing before the learned Single Judge, we find that the limited relief sought for by the appellant in the Writ Petition was for a disposal of a representation, which is an innocuous one.

4. Under such circumstances, we deem it appropriate to allow this Writ Appeal by setting aside the impugned judgment of the learned Single Judge and directing the first respondent to consider and pass orders on Ext. P2 representation preferred by the appellant within a period of eight

weeks from the date of receipt of a copy of this judgment, after hearing the writ petitioner and others likely to be affected by the orders to be passed by the first respondent. We make it clear that till such time the orders are passed by the first respondent as directed and the orders communicated to the appellant and the Manager of the School, coercive steps including further proceedings in implementation of Exts. P1, P4 and Annexure - A2 directions of the Regional Deputy Director of Higher Secondary Education and the Director of General Education respectively, shall be kept in abeyance.

This Writ Appeal is disposed of as above.

Sd/-A.K. JAYASANKARAN NAMBIAR, Judge.

Sd/- MOHAMMED NIAS C.P, Judge

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/True copy/

P.S. To Judge

APPENDIX OF WA 394/2022 (Filing No.)

PETITIONER ANNEXURES

Annexure-A1	TRUE COPY OF THE COMMUNICATION NO. 7193/C2/2021/RDD/CNGR DATED 07.03.2022 ISSUED BY THE 3RD RESPONDENT TO THE 5TH RESPONDENT
Annexure-A2	TRUE COPY OF THE LETTER NO. ADD A3/41565/2014/HSE FROM 2ND RESPONDENT TO THE 3RD RESPONDENT DATED 24.01.2022
Annexure-A3	TRUE COPY OF THE ENDORSEMENT BY THE 3RD RESPONDENT DATED 19.01.2022