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**(2011) 08 KL CK 0055**

**In the High Court Of Kerala**

**Case No : Writ Petition (C) No. 21008 of 2011 (A)**

Ambujakshan K.

APPELLANT

Vs

State of Kerala and Others

RESPONDENT

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**Date of Decision : 03-08-2011**

**Acts Referred:**

**Citation : (2011) 08 KL CK 0055**

**Hon'ble Judges : T.R. Ramachandran Nair, J**

**Bench : Single Bench**

**Advocate : U. Balagangadharan, for the Appellant;**

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## **Judgement**

T.R. Ramachandran Nair, J.—This writ petition is filed by the Petitioner who is the Headmaster of Government U.P School, Thathamangalam in Palakkad District.

2. In the writ petition, the Petitioner has arrayed Respondents 5 to 7 who are respectively the President and Vice Presidents of the Parents-Teachers Association. The order of transfer issued by the Deputy Director of Education is produced as Ext.P5. It says that several petitions were received from the P.T.A Members and Ors. against the Petitioner and an enquiry report has also been received from the Assistant Educational Officer in that regard.

3. The Petitioner has raised various grounds in the writ petition challenging the said order. It is pointed out that many of the actions taken by the Petitioner, bona fide, have infuriated the President and other office bearers of the P.T.A and the action taken now by transferring the Petitioner is out of vengeance alone and retaliation of the P.T.A and a few teachers of the school.

4. The learned Government Pleader after getting instructions from the Respondents produced before me copies of the enquiry report and the petitions received against the Petitioner.

5. Already the Petitioner has moved the Director of Public Instruction by filing Ext.P6 representation. It is submitted by the learned counsel for the Petitioner

that till a decision is taken by the Director of Public Instruction, he may be allowed to be retained in the school itself. It is further submitted that the order is stigmatic and that has affected his reputation and the entire action has been taken out with a mala fide motive and this Court can interfere with the order of transfer.

6. The learned Government Pleader submitted that the order of transfer is issued on the basis of complaints raised by various parties and the enquiry conducted by the Assistant Educational Officer.

7. Since the entire allegations against the Petitioner have been disputed and as the action against him is challenged for want of materials, the matter requires re-consideration of the entire facts as well as the disputed pleas raised by the parties, if any.

8. Therefore, it is only proper that the Director of Public Instruction being a fact finding authority goes into the details and takes a decision after hearing the parties, it is so directed.

9. The learned Counsel for the Petitioner made a vehement plea for allowing the Petitioner to continue in the school till a decision is taken by the Director of Public Instruction.

10. For that also, he can move the Director of Public Instruction by filing a stay petition along with a copy of this judgment and if, the stay petition is filed, the same will be considered and orders will be passed within seven days from the date of receipt of the same.

11. The writ petition is disposed of as above. No costs.