

(2013) 12 KL CK 0050

In the High Court Of Kerala

Case No : Writ Petition (C) No. 29548 of 2013 (P)

George Joseph

APPELLANT

Vs

The District Educational Officer, Kattappana and Others

RESPONDENT

Date of Decision : 02-12-2013

Acts Referred:

Citation : (2013) 12 KL CK 0050

Hon'ble Judges : C.T. Ravi Kumar, J

Bench : Single Bench

Advocate : George Abraham, for the Appellant; M.A. Fayaz, Government Pleader for R1, R3 and R6, for the Respondent

Final Decision : Disposed Off

Judgement

C.T. Ravi Kumar, J.—The petitioner is a Physical Education Teacher under the second respondent school. He was placed under suspension as per Ext. P7 order dated 11.11.2013 in contemplation of disciplinary proceedings under Rule 75 of Chapter XIV-A of the Kerala Education Rules. The second respondent forwarded a copy of the same to the first respondent along with a request to grant permission to continue with the suspension of the petitioner beyond 15 days. The said request of the second respondent was granted by the first respondent as per Ext. P9 order. Feeling aggrieved by Exts. P7 and P9 orders the petitioner filed Ext. P10 revision petition before the 6th respondent under Rule 67(8A) of Chapter XIV-A of KER. This writ petition has been filed on being aggrieved by the delay in the matter of consideration of Ext. P10 revision petition by the 6th respondent. Though the petitioner seeks for quashment of Exts. P7 and P9 orders when this matter is taken up for consideration the learned counsel for the petitioner submitted that the writ petition itself can be disposed of with a direction to the 6th respondent to consider and pass appropriate orders on Ext. P10 revision petition expeditiously and in WP(C) No. 29548/2013 accordance with law. A perusal of Rule 67(8A) of Chapter XIV-A of KER would reveal that as against an order passed under Rule 67(8) of Chapter XIV-A of KER a review under Rule

67(8A) is permissible and therefore, Ext. P10 can only be said to be a review filed invoking the power under Rule 67(8A) of Chapter XIV-A of KER against Ext. P9 order passed under Rule 67(8) of Chapter XIV-A of KER. Evidently, Ext. P9 order was passed by the first respondent who is a lower authority under the 6th respondent. In the said circumstances, without making any observation as to the merits of the contentions in this writ petition as also in Ext. P10 revision petition, I am of the view that this writ petition can be disposed of. In view of the order I propose to pass in this writ petition there is no need to issue notice to respondents 2, 4 and 5 in this proceedings. In the said circumstances, this writ petition is disposed of with a direction to the 6th respondent to consider Ext. P10 and pass appropriate orders thereon 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. Needless to say that before passing orders thereon respondents 2, 4 and 5 shall also be put on notice.