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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

WEDNESDAY, THE 5TH DAY OF MARCH 2025 / 14TH PHALGUNA, 1946

WP(C) NO. 6666 OF 2025

PETITIONER:

N.DIVIJENDAR REDDY
AGED 54 YEARS
S/O NIMMA SIVA REDDY, MANAGER,
R.R.V. SCHOOLS, KILIMANOOR,
THIRUVANANTHAPURAM
RESIDING AT 6-13, MAGADHA VILLAGE, KOKAPET,
GANDIPET MANDAL, HYDERABAD,
TELENGANA, PIN - 695601

BY ADVS.
GEORGE VARGHESE(PERUMPALLIKUTTIYIL)
MANU SRINATH
LIJO JOHN THAMPY
NIVEDITA MUCHILOTE
RIYAS M.B.

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
HIGHER SECONDARY EDUCATION DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 690001
- 2 DIRECTOR OF GENERAL EDUCATION
DIRECTORATE OF GENERAL EDUCATION,
JAGATHI, THIRUVANANTHAPURAM,
PIN - 695014



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- 3 THE REGIONAL DEPUTY DIRECTOR
RDD OFFICE, HSE, CORPORATION BUILDING,
PALAYAM, THIRUVANANTHAPURAM,
PIN - 695033
- 4 SRI. SAJEEV KUMAR.S
LAB ASSISTANT,
RAJA RAVI VARMA GIRLS HIGHER SECONDARY SCHOOL
KILIMANOOR,
THIRUVANANTHAPURAM
RESIDING AT SREEKRISHNA VILASOM,
PANAPPAMKUNNU, MALAKKAL P.O.,
MADAVOOR, PALLICKAL,
THIRUVANANTHAPURAM, PIN - 695602

BY ADVS.
B MOHAN LAL
P.S.PREETHA(K/883/1998)
ASWIN V. NAIR(K/1019/2017)
KARTHIK J SEKHAR(K/365/2021)
ABIJITH M.(K/1226/2022)
AVANI NAIR(K/001203/2022)
JAYAPRABHA ARJUN(K/001757/2023)
PRAVEENA T.(K/001645/2024)
V.VENUGOPAL, SR.GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 05.03.2025, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



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JUDGMENT

Dated this the 5th day of March, 2025

The petitioner, who is the Manager of Raja Ravi Varma Girls Higher Secondary School, Kilimanoor, has approached this Court seeking to declare that the continued suspension of the 4th respondent till the completion of enquiry is legally justified as per Rule 67(8) of Chapter XIVA of KER, considering the allegations and facts of the case. The petitioner seeks to quash Ext.P6 and to direct the 1st respondent to allow the petitioner to place the 4th respondent under suspension beyond the period of 15 days as mandated under Rule 67(8) of Chapter XIVA of KER.

2. The petitioner states that from 07.01.2025, the Attendance Register of Plus One Commerce Batch was found missing and the same was reported by the Class Teacher. Though search was made, the Attendance Register could not be traced.



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3. While so, Smt. Chithra Varma R., HSST (Computer Science) received a text message in her mobile phone from the 4th respondent-Lab Assistant mentioning the name, address and Aadhaar Number of one of the girl students in Plus One Commerce Batch. The text message related to a student in Plus One Commerce Batch, of which the Attendance Register was found missing. The said Teacher reported the same to the Principal. Ext.P2 is the copy of the message.

4. Thereafter, CCTV Footage was reviewed and it was revealed that the 4th respondent-Lab Assistant had illegally taken the class register of Plus One Commerce Batch on 07.01.2025 morning. The matter was reported to the 3rd respondent-Regional Deputy Director on 13.01.2025. An FIR was lodged in Kilimannoor Police Station.

5. Considering the gravity of the misconduct, the 4th respondent was placed under suspension in contemplation of enquiry in terms of Rule 67 of Chapter XIVA of KER, as per Ext.P4 order. After preliminary investigation, the 3rd respondent



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found the suspension valid and approved the decision of the Manager to place the 4th respondent under suspension. The suspension period was, however, extended for 15 days only, as per Ext.P6.

6. The petitioner states that the said order has been passed without regard to the facts and circumstances of the case. There is *prima facie* material to implicate the 4th respondent in the offence. The intention behind the theft of Attendance Register is yet to be found out. The text message sent by the delinquent and the CCTV Footage, raised serious suspicion about the conduct of the 4th respondent. Therefore, it is necessary that enquiry is conducted keeping the 4th respondent under suspension beyond the period of 15 days.

7. The petitioner therefore, sent Ext.P7 letter dated 04.02.2025 requesting the 3rd respondent to review the order dated 03.02.2025. However, no action has been taken on Ext.P7. The petitioner thereafter filed Ext.P8 Appeal before the Government on 15.02.2025. Ext.P8 also has not given any



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positive result.

8. Counsel for petitioner submitted that in the matter of disciplinary action against Teachers / non-teaching staff of Higher Secondary School, provisions of Chapter XIVA KER *mutatis mutandis* applies. Ext.P6 order to the extent it limits the operation of the order of suspension to another 15 days alone, is non-speaking and unreasonable.

9. The counsel for the petitioner further submitted that Rule 67(8) of Chapter XIVA KER empowers the controlling authority to conduct preliminary investigation into the allegations leading to suspension of an employee and sanction order of suspension issued by the disciplinary authority. The 3rd respondent having satisfied that circumstances justify the continued suspension of the 4th respondent approved the order of suspension, at the same time, limiting the period of suspension for a further period of 15 days only. This is highly illegal and arbitrary, contended the counsel for the petitioner.



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10. The 4th respondent entered appearance and resisted the writ petition. The 4th respondent submitted that there were disputes relating to the management of the School. In one of the criminal cases in this regard, the petitioner was a witness. It is due to the fact that the petitioner is to give evidence in the criminal case, the petitioner has been put under suspension.

11. In the Appeal preferred by the petitioner, Ext.P10 order is passed cancelling Ext.P6 order with effect from 19.02.2025 and directing the Principal to reinstate the 4th respondent into service.

12. As per Rue 67 of Chapter XIVA of the KER, no teacher shall be placed under suspension by the Manager for a continuous period exceeding 15 days without the previous sanction of the Deputy Director(Education) in the case of Headmasters of Secondary Schools and Training Schools and of the District Educational Officer in other cases.



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13. The 3rd respondent found that there is no clarity as to who had taken the Attendance Register and hence the suspension of the 4th respondent could not be continued. Therefore, the 3rd respondent cancelled Ext.P6 order retrospectively. Going by Ext.P4, there is no whisper regarding the satisfaction of the existence of a public interest in the suspension order. Ext.P10 order is legal and justified. The writ petition is liable to be dismissed, contended counsel for the the 3rd respondent.

14. I have heard the learned counsel for the petitioner, the learned Government Pleader representing respondents 1 to 3 and the learned counsel appearing for the 4th respondent.

15. The Attendance Register of the Plus One Commerce Batch was found missing from the School from 07.01.2025. The text message received by one of the Teachers named Smt. Chithra Varma R. from the mobile phone of the 4th respondent contained name of a student, who was in the Plus



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One Commerce Batch. The said message causes considerable suspicion in respect of the involvement of the 4th respondent in the offence/misconduct.

16. The CCTV Footage was reviewed by the School authorities and it was revealed that the 4th respondent-Lab Assistant of the School had illegally taken the Attendance Register of Plus One Commerce Batch on 07.01.2025 morning and the same was reported to the 3rd respondent on 13.01.2025. An FIR was lodged against the petitioner at the instance of the President of the Parent Teachers Association.

17. Considering the seriousness of the misconduct, the 4th respondent was put under suspension as per Ext.P4 with effect from 20.01.2025 in contemplation of enquiry. After conducting preliminary investigation, the 3rd respondent found the suspension of the 4th respondent as valid. However, the 3rd respondent limited the suspension to continue only for 15 days more. The petitioner is aggrieved by the said



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Ext.P6 order.

18. It is to be noted that taking away attendance register of a current live batch of students is a serious offence. It will adversely affect the reputation of the School as well as the career of the students undergoing studies. The School authorities have made preliminary enquiries. There is *prima facie* material including CCTV Footage to establish the involvement of the 4th respondent in the misconduct / crime.

19. In such circumstances, it is highly necessary to maintain the discipline in the School that an appropriate enquiry be made and the guilty is punished. If there is *prima facie* material to indicate that the 4th respondent is involved in the offence, then it would not be proper for the School authorities to permit the 4th respondent to discharge his duties, continuing in the School, which is likely to adversely affect the enquiry.

20. Ext.P6 order of the Regional Deputy Director would indicate that there are materials implicating the 4th respondent. However, in spite of that conclusion, the



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suspension period was extended only for a period of 15 days. The petitioner preferred Appeal against Ext.P6 order. Appeal stands rejected by the Government as per Ext.P10 order of the Deputy Director of Education.

21. A reading of Ext.P10 would show that the authority has come to a conclusion that there is no clarity in the allegation that the 4th respondent has taken the attendance register. Ext.P10 is highly illegal and improper. There is no doubt that there are *prima facie* materials to indicate the involvement of the 4th respondent in the misconduct / crime. It was on that basis, Ext.P6 was passed approving the order of suspension against the 4th respondent. After coming to such conclusion, the Deputy Director of Education should not have come to his own conclusion as regards the involvement of the 4th respondent before completing the enquiry proceedings. Educational Authorities are not empowered to come to interim conclusions before completion of the enquiry proceedings.



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22. Taking into consideration the allegations raised against the 4th respondent and the *prima facie* materials available, no School can permit such an employee to remain in the School and discharge his duties while enquiry proceedings are pending.

23. In the circumstances of the case, the petitioner is entitled to relief. Ext.P10 order is set aside. There will be a direction to the respondents to permit the Manager to keep the 4th respondent under suspension for a further period of three months. The enquiry proceedings shall be completed within three months. The 4th respondent will be entitled to payment of subsistence allowance as per rules, during the period of suspension.

The writ petition is disposed of as above.

Sd/-

N.NAGARESH
JUDGE

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APPENDIX OF WP(C) 6666/2025

PETITIONER'S EXHIBITS

- Exhibit P1** **A TRUE COPY OF LETTER NO. RRV/HSE/20250110/01 DATED 10.01.2025 SUBMITTED BY THE PRINCIPAL TO THE SHO KILIMANOOR**
- Exhibit P2** **A TRUE COPY OF LETTER GIVEN BY SMT. CHITHRA VARMA R, HSST (COMPUTER SCIENCE) DATED 10.01.2025 TO THE PRINCIPAL**
- Exhibit P3** **A TRUE COPY OF FIR NO. 124 OF 2025 DATED 16.01.2025 OF KILIMANOOR POLICE STATION**
- Exhibit P4** **A TRUE COPY OF ORDER NO. RRV/REDDY/20250120/01 DATED 20.01.2025**
- Exhibit P5** **A TRUE COPY OF COMMUNICATION NO. RRV/20250120/02 DATED 20.01.2025**
- Exhibit P6** **A TRUE COPY OF ORDER NO. RRDHSE/TVM/110/2025-TRO-6 DATED 03.02.2025 ISSUED BY THE 3RD RESPONDENT**
- Exhibit P7** **A TRUE COPY OF LETTER NO. RRV/20250204/01 DATED 04.02.2025 SUBMITTED BEFORE THE 3RD RESPONDENT**
- Exhibit P8** **A TRUE COPY OF THE APPEAL FILED BY THE PETITIONER BEFORE THE GOVERNMENT ON 15.02.2025**
- Exhibit P9** **TRUE COPY OF THE REPRESENTATION DATED NIL PREFERRED BY THE STUDENTS OF PLUS ONE COMMERCE CLASS BEFORE THE MINISTER FOR EDUCATION, GOVERNMENT OF KERALA**



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- Exhibit P10** A TRUE COPY OF ORDER NO. RDDHSE/TVM/110/2025-TRO-6 DATED 20.02.2025 PASSED BY THE 3RD RESPONDENT
- Exhibit P11** A TRUE COPY OF MEMO OF CHARGE NO. RRV/REDDY/20250225/05 DATED 25.02.2025 ISSUED TO THE 4TH RESPONDENT
- Exhibit P12** A TRUE COPY OF STATEMENT OF ALLEGATIONS NO. RRV/REDDY/20250225/06 DATED 25.02.2025 ISSUED TO THE 4TH RESPONDENT
- Exhibit P13** A TRUE COPY OF APPLICATION FOR CASUAL LEAVE SUBMITTED BY THE 4TH RESPONDENT, FURNISHED TO THE PETITIONER BY THE PRINCIPAL
- Exhibit P14** A TRUE COPY OF ATTENDANCE REGISTER, FURNISHED TO THE PETITIONER BY THE PRINCIPAL
- Exhibit P15** A TRUE COPY OF TEXT MESSAGE SENT BY THE 4TH RESPONDENT TO SMT. R.CHITRA VARMA, HSST

RESPONDENT EXHIBITS

- Exhibit R4(a)** THE TRUE COPY OF THE JUDGMENT DATED 21/07/2017 IN W.P.(C)NO.36371/2015 AND CONNECTED CASES OF THIS HON'BLE COURT
- Exhibit R4(b)** THE TRUE COPY OF THE FIR DATED 24/08/2024 IN CRIME NO.1167/2024 OF KILIMANOOR POLICE STATION
- Exhibit R4(c)** THE TRUE COPY OF THE FIR DATED 17/1/2025 IN CRIME NO.134/2025 OF KILIMANOOR POLICE STATION
- Exhibit R4(d)** THE TRUE COPY OF THE COMPLAINT DATED 24/09/2024 FILED BY SMT.DR.C.R.CHANDRALEKHA BEFORE THE DISTRICT POLICE CHIEF,



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Exhibit R4(e)

**THE TRUE COPY OF THE ORDER DATED
31/1/2025 IN CRL M.C.NO.221/2025 BEFORE
THE SESSION'S COURT, THIRUVANANTHAPURAM**