



2025:KER:13979

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

TUESDAY, THE 18TH DAY OF FEBRUARY 2025 / 29TH MAGHA, 1946

WP(C) NO. 38851 OF 2023

PETITIONER:

SANUMON K B
AGED 48 YEARS
S/O B. KARUNAKARAN NADAR,
RESIDING IN SAJU BHAVAN, VARUVILA,
TIRUPURAM P.O., NEYYATTINKARA,
THIRUVANANTHAPURAM PRESENTLY WORKING AS
HIGH SCHOOL ASSISTANT (ENGLISH),
NEW HIGHER SECONDARY SCHOOL, NELLIMOOD P.O.,
THIRUVANANTHAPURAM DISTRICT, PIN - 695524.

BY ADVS.
PRAMOD J.DEV
PALMER.H

RESPONDENTS:

- 1 THE STATE OF KERALA
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF GENERAL EDUCATION,
STATE SECRETARIAT ANNEX II,
THIRUVANANTHAPURAM, PIN - 695001.



- 2 THE DIRECTOR OF GENERAL EDUCATION
JAGATHY, THIRUVANANTHAPURAM DISTRICT,
PIN - 695014.
- 3 THE DEPUTY DIRECTOR OF EDUCATION
KILLIPALAM, CHALAI,
THIRUVANANTHAPURAM DISTRICT, PIN - 695014.
- 4 THE DISTRICT EDUCATIONAL OFFICER
ALUMMOOD, NEYYATTINKARA,
THIRUVANANTHAPURAM DISTRICT, PIN - 695121.
- 5 THE MANAGER
NEW HIGHER SECONDARY SCHOOL, NELLUMMOOD,
THIRUVANANTHAPURAM DISTRICT, PIN - 695524.

BY ADVS.

SRI.GOPAN R

SRI. PREMCHAND R. NAIR, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 18.02.2025, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



J U D G M E N T

Dated this the 18th day of February, 2025

The petitioner is presently working as High School Assistant (English) in the New Higher Secondary School, Nellimood, Thiruvananthapuram, which is an Aided School in terms of the Kerala Education Act and Rules. The 5th respondent issued two orders, whereby the petitioner was suspended from service. Challenging the same, W.P.(C) Nos.10052 of 2019 and 15485 of 2019 were filed by the petitioner and both these cases are pending consideration before this Court.

2. In spite of clear orders directing that the service of the petitioner be regularized, the 5th respondent has not taken any steps to regularise the petitioner or to pay his salary. As a consequence of this, the petitioner's salary has not



been paid for the past more than nine months, contends the Counsel for the petitioner.

3. Counsel representing the 5th respondent would submit that the petitioner has been suspended from service as he unauthorisedly remained absent from the School and failed to discharge his duties and obligations. The petitioner has used a forged Medical Certificate for availing leave. Therefore, Ext.R5(a) charge-memo has been issued. Though Ext.R5(a) charge-memo has been issued, the District Educational Officer has not given permission to proceed against the petitioner by way of disciplinary proceedings. The 5th respondent has also filed appeal against Ext.P3.

4. Be that as it may, the prayer of the petitioner is to direct the 5th respondent to disburse the salary and other emoluments due to the petitioner from March, 2023. The 5th respondent would submit that the petitioner has remained



unauthorisedly absent. As long as the petitioner is not discharging his duties, there is no question of payment of salary.

5. Taking into consideration the facts of the case, I am of the view that the writ petition can be disposed of by giving appropriate directions to the respondents for bringing quietus to the issue involved.

6. The writ petition is disposed of with the following directions:-

(i) The 4th respondent-District Educational Officer shall consider the request of the 5th respondent to proceed against the petitioner and take necessary decision on grant of sanction within a period of two weeks.

(ii) Depending upon the sanction of the District Educational Officer, if the Manager proposes to



proceed against the petitioner, such proceedings shall be completed within a period of four months.

(iii) The petitioner shall co-operate with the disciplinary proceedings.

(iv) If the petitioner attends duties and discharges his functions, then the 5th respondent shall necessarily raise bill for payment of salary to the petitioner.

Sd/-
N. NAGARESH
JUDGE

ams



APPENDIX OF WP(C) 38851/2023

PETITIONER EXHIBITS

- Exhibit P1 TRUE COPY OF THE INTERIM ORDER DATED
04.04.2019 IN WP(C) 15002 OF 2019
- Exhibit P2 TRUE COPY OF THE INTERIM ORDER DATED
10.06.2019 IN WP(C) NO.15485 OF 2019
- Exhibit P3 A TRUE COPY OF THE ORDER NO.
DDETVM/166/2022-B5 DATED 28.02.2023
PASSED BY THE THIRD RESPONDENT
- Exhibit P4 A TRUE COPY OF THE ORDER
NO.B6/3856/2021 DATED 28.02.2022 PASSED
BY THE FOURTH RESPONDENT
- Exhibit P5 A TRUE COPY OF THE INTERIM ORDER DATED
11.08.2020 IN WP(C) NO.15485 OF 2019

RESPONDENT EXHIBITS

- Exhibit R5(a) THE PHOTOCOPY OF THE MEMO OF CHARGES
DATED 09/06/2023 ISSUED TO THE
PETITIONER BY REGISTERED POST AND ITS
RECEIPT OF ARTICLE TRACKING
- Exhibit R5(b) THE PHOTOCOPY OF THE REPRESENTATION
DATED 4.09.2023 SUBMITTED BY 5TH
RESPONDENT BEFORE THE 4TH RESPONDENT
- Exhibit R5(c) THE PHOTOCOPY OF THE LETTER DATED
08/02/24 ISSUED BY THE HEADMISTRESS OF
THE SCHOOL TO THE 5TH RESPONDENT
- Exhibit R5(d) THE PHOTOCOPY OF THE TEACHERS'
ATTENDANCE REGISTER FOR THE PERIOD JUNE



2023 TO DECEMBER 2023

- Exhibit R5(e) THE PHOTOCOPY OF THE LETTER DATED 18.5.2023 ISSUED TO THE 5TH RESPONDENT BY THE HEADMISTRESS OF THE SCHOOL AND THE CHART SHOWING THE UN-AUTHORIZED ABSENCE OF THE PETITIONER FOR THE ACADEMIC PERIOD FOR 2012 TO 2023
- Exhibit R5(f) THE PHOTOCOPY OF THE LETTERS DATED 19.8.2022 ISSUED BY THE TEACHER-IN-CHARGE OF THE SCHOOL TO THE 5TH RESPONDENT
- Exhibit R5(g) THE PHOTOCOPY OF THE LETTERS DATED 2.9.2022 ISSUED BY THE TEACHER-IN-CHARGE OF THE SCHOOL TO THE 5TH RESPONDENT
- Exhibit R5(h) THE PHOTOCOPY OF THE LETTERS DATED 17.10.2022 ISSUED BY THE TEACHER-IN-CHARGE OF THE SCHOOL TO THE 5TH RESPONDENT
- Exhibit R5(i) THE PHOTOCOPY OF THE LETTERS DATED 31.3.2023 ISSUED BY THE TEACHER-IN-CHARGE OF THE SCHOOL TO THE 5TH RESPONDENT