

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 31ST DAY OF JULY 2018 / 9TH SRAVANA, 1940

WP(C) .No. 29030 of 2017

PETITIONER(S)

MANJU,
AGED 34, W/O.BIJU SANKARABHAVANAM,
NEYYATINKARA, MARAYA MUTTAM P.O.,
THIRUVANANTHAPURAM.

BY ADV.SRI.ARUN BABU

RESPONDENT(S) :

1. DEPUTY DIRECTOR OF EDUCATION,
OFFICE OF THE DDE NEAR JILLA PANCHAYATH,
THEVALLY,KOLLAM 695 001.
2. DISTRICT EDUCATIONAL OFFICER,
OFFICE OF THE DEO, COLLECTORATE,
KOLLAM 691 013.
3. MANAGER,
C.V.K.M.H.S.S.S EAST KALLADA,
KOLLAM 691 013.

R1 & R2 BY SENIOR GOVERNMENT PLEADER SRI.S.GOPINATHAN
R3 BY ADVS. SRI.M.R.HARIRAJ
SRI.P.A.KUMARAN
SRI.K.RAJAGOPAL
SMT.G.BINDU
SRI.M.V.BALAGOPAL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 31-07-2018,
ALONG WITH WPC.NO.36213/2017,THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

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APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1	THE TRUE COPY OF THE APPOINTMENT LETTER DATED 1/6/2011 ISSUED TO THE PETITIONER.
EXHIBIT P2	TRUE COPY OF THE PETITION IN THE OP(HMA) 644/2017 DATED 31/5/2017 BEFORE THE FAMILY COURT, KOLLAM.
EXHIBIT P3	THE TRUE COPY OF THE AFFIDAVIT COERCIVELY OBTAINED BY THE 3RD RESPONDENT FROM THE PETITIONER DATED 1/6/2017.
EXHIBIT P4	THE TRUE COPY OF THE REPRESENTATION DATED 29/8/2017 ISSUED TO RESPONDENTS.
EXHIBIT P5	THE TRUE COPY OF THE POSTAL RECEIPTS DATED 29/8/2017 EVIDENCING THE SENDING OF THE EXHIBIT P4 REPRESENTATION.
EXHIBIT P6	THE TRUE COPY OF THE SHOWCASE NOTICE ISSUED BY THE THIRDS RESPONDENT DATED 28.3.2016.
EXHIBIT P7	THE TRUE COPY OF THE LETTER DATED 1.4.2016 ISSUED BY THE PETITIONER TO THE MANAGER.
EXHIBIT P8	THE TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER AGAINST THE SAID ANIL BEFORE THE DY.S.P. OF POLICE KOTTARAKKARA.
EXHIBIT P9	THE TRUE COPY OF THE COMPLAINT DATED 25.4.2016 ALLEGEDLY SUBMITTED BY THE SAID SUSEELA XAVIER.
EXHIBIT P10	THE TRUE COPY OF THE FIR IN CRIME NO.357/2014 OF THE KILIKKOLOOR POLICE STATION.
EXHIBIT P11	THE TRUE COPY OF THE PETITION OP(IDA) NO.370/2014 BEFORE THE FAMILY COURT, KOLLAM.
EXHIBIT P12	THE TRUE COPY OF THE REPRESENTATION DATED 4.06.2016 FILED BY THE PETITIONER TO THE DIRECTOR GENERAL EDUCATION.
EXHIBIT P13	THE TRUE COPY OF THE NOTICE ISSUED BY THE SOCIAL WELFARE OFFICER,KOILLAM , DATED 31.5.2016.
EXHIBIT P14	THE TRUE COPY OF THE ORDER DATED 27.6.2016 ISSUED BY THE SOCIAL WELFARE OFFICER ,KOLLAM

EXHIBIT P15	THE TRUE COPY OF THE MEDICAL CERTIFICATE ISSUED FROM HOLY CROSS HOSPITAL DATED 1.12.2017.
EXHIBIT P16	THE TRUE COPY OF THE BILL DATED 22.7.2017 ISSUED FROM THE DISTRICT AUAYRVEDA HOSPITAL, VARKALA.
EXHIBIT P17	THE TRUE COPY OF THE HOSTEL BILL OF KAILAS GARDENS WOMEN' S HOSTEL DATED 12.1.2017.
EXHIBIT P18	THE TRUE COPY OF THE HOSTEL BILL OF KAILAS GARDENS WOMEN'S HOSTEL DATED 08.12.2016 .

RESPONDENT (S) 'EXHIBITS

EXHIBIT R3 (A)	A TRUE COPY OF THE LETTER DATED NIL SUBMITTED BY THE PETITIONER, AND THE FIR AND FIS ANNEXED.
EXHIBIT R3 (B)	A TRUE COPY OF THE COMPLAINT DATED 18.5.2016 SUBMITTED BY THE PETITIONER.
EXHIBIT R3 (C)	A TRUE COPY OF THE NOTICE NO.B 1279/16 DATED 31.5.2016.
EXHIBIT R3 (D)	A TRUE COPY OF THE LETTER NO.B5/2721/2016 DATED 24.5.2016 ALONG WITH THE ENCLOSED COMPLAINT.
EXHIBIT R3 (E)	A TRUE COPY OF THE REPLY DATED NIL, SUBMITTED BY THE THIRD RESPONDENT.
EXHIBIT R3 (F)	A TRUE COPY OF THE MINUTES OF THE LOCAL COMPLAINTS COMMITTEE.
EXHIBIT R3 (G)	A TRUE COPY OF THE COMPLAINT DATED 27.6.2016 SUBMITTED BY OTHER TEACHERS.
EXHIBIT R3 (H)	A TRUE COPY OF THE LETTER NO.B6/7725/2016 DATED 25.7.2016 ISSUED BY THE FIRST RESPONDENT.

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EXHIBIT R3 (I) A TRUE COPY OF REPLY DATED 29.7.2016 SUBMITTED BY THIS RESPONDENT,

EXHIBIT R3 (J) A TRUE COPY OF THE COMPLAINT DATED 24.4.2017 ALONG WITH ITS ENCLOSURE.

EXHIBIT R3 (K) A TRUE COPY OF THE LETTER NO.B3/17731/16 DATED 27.5.2017.

EXHIBIT R3 (L) A TRUE COPY OF THE NOTICE DATED 25.4.2017.

EXHIBIT R3 (M) A TRUE COPY OF THE COVER RETURNED.

EXHIBIT R3 (N) A TRUE COPY OF THE LETTER DATED 30.4.2017 OF THE PETITIONER.

EXHIBIT R3 (O) A TRUE COPY OF THE COMPLAINT DATED 23.5.2017 SUBMITTED BY THE HUSBAND OF THE PETITIONER.

EXHIBIT R3 (P) A TRUE COPY OF THE AFFIDAVIT DATED 16.3.2017 FILED BY THE PETITIONER BEFORE THIS HONOURABLE COURT IN CRL.M.C.2394/2017.

EXHIBIT R3 (Q) A TRUE COPY OF THE JUDGMENT DATED 6.5.2016 OF THIS HONOURABLE COURT IN BA.NO.3012/2016.

EXHIBIT R3 (R) A TRUE COPY OF THE REPRESENTATION DATED 19.5.2017.

EXHIBIT R3 (S) A TRUE COPY OF THE SUSPENSION ORDER DATED 1.6.2017.

EXHIBIT R3 (T) A TRUE COPY OF THE AFFIDAVIT DATED 1.6.2017.

EXHIBIT R3 (U) A TRUE COPY OF THE RESIGNATION WAS THEN FORWARDED TO THE SECOND RESPONDENT ALONG WITH PROCEEDINGS NO.2/2017 -18 DATED 2.6.2017.

EXHIBIT R3 (V) A TRUE COPY THE LETTER DATED 31.5.2017 GIVEN TO THE HEADMASTER ON 2.6.2017 .

EXHIBIT R3 (W) A TRUE COPY OF THE RELEVANT PORTION OF THE ACQUAINTANCE REGISTER.

EXHIBIT R3 (X) A TRUE COPY OF THE WP(CRL) NO,171/2017.

EXHIBIT R3 (Y) TRUE COPY OF THE O COMPLAINT PREFERRED BY THE MOTHER OF THE PETITIONER BEFORE THE SUPERINTENDENT OF POLICE DATED 29.4.2017.

/TRUE COPY/

PS TO JUDGE

A. MUHAMED MUSTAQUE, J.

W.P. (C) No.29030 & 36213 of 2017

Dated this the 31st day of July, 2018

J U D G M E N T

These writ petitions concern the alleged resignation of Smt.Manju, the petitioner in W.P.(C) No.29030 of 2017 from the post of H.S.A in C.V.K.M.H.S.S, East Kallada. Smt.Manju filed W.P.(C) No.29030 of 2017 seeking a direction permitting her to continue in service and also for payment of salary from 01.06.2017. According to the her, she had not resigned from the employment and further she stated that she withdrew the resignation before approval. The Manager filed W.P.(C) No.36213 of 2017 aggrieved by Ext.27 order passed by the District Educational Officer directing the Manager to permit Smt.Manju to continue her employment. This order was purportedly passed based on the directions issued by this Court in W.P.(C) No.29030 of 2017.

2. Smt.Manju has a case that she had never withdrawn from her resignation. According to the Manager, Smt.Manju

had executed resignation letter voluntarily in the backdrop of the allegations against her.

3. Anyhow, Rule 43 of Chapter XIVA KER insists for approval of resignation by the Educational Officer. If that be so, the matter can be easily concluded by the District Educational Officer after hearing Smt.Manju as well as the Manager.

Therefore, the District Educational Officer, Kollam is directed to take a decision in the matter within a period of one month, after hearing the petitioners. It is made clear that all the claims of Smt.Manju would depend upon the outcome of such decision.

These writ petitions are disposed of as above.

Sd/-

**A. MUHAMED MUSTAQUE
JUDGE**

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