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GOVERNMENT OF KERALA

Abstract

General Education – Judgment dated 17/02/2017 of the Hon'ble High Court of Kerala in W.P.(C) No. 5448/2017 filed by the Manager, Aided Junior Basic School, Kadampazhipuram, Palakkad - Complied with – Orders issued.

GENERAL EDUCATION (B) DEPARTMENT

G.O.(Rt) No. 2462/2017/G.Edn.

Dated, Thiruvananthapuram, 25.07.2017.

- Read :-
1. Revision Petition dated 15/02/2017 filed by the Manager, Aided Junior Basic School, Kadampazhipuram, Palakkad.
  2. Stay Petition dated 15/02/2017 filed by the Manager, Aided Junior Basic School, Kadampazhipuram, Palakkad.
  3. Judgment dated 17/02/2017 of the Hon'ble High Court of Kerala in W.P.(C) No. 5448/2017 filed by the Manager, Aided Junior Basic School, Kadampazhipuram, Palakkad.

**ORDER**

As per the judgement read as 3<sup>rd</sup> paper above the Hon'ble High Court has directed Government to dispose Ext P9 revision petition and Ext P10 stay petition filed by the petitioner after affording an opportunity of hearing to the petitioner and the 5<sup>th</sup> respondent.

2. As ordered by the Hon'ble High Court the petitioner and the 5<sup>th</sup> respondent were heard.

3. The Manager, Aided Junior Basic School, Kadampazhipuram, Palakkad vide order dated 01/02/2017 has placed Sri. T. Chandraprakash, Headmaster, Aided Junior Basic School, Kadampazhipuram, Palakkad under suspension for 15 days . The charges levelled against Sri. T. Chandraprakash were as follows :

- (1). Details of the RTI applications received were not properly entered in registers.
- (2). Fee collected under RTI Act was not deposited in Govt. Treasury.
- (3). Misappropriation of the fee collected under RTI Act.

4. Thereafter the manager taken up the matter with the Assistant Educational Officer, Cheruplassery for extension of suspension beyond 15 days. The Assistant Educational Officer, Cheruplassery has denied the proposal of extension of suspension and also ordered to reinstate Sri. T. Chandraprakash, Headmaster in service vide order dated 10/02/2017 on the ground that the allegations levelled against Sri. T. Chandraprakash were not proved. However it was observed in the said order of the Assistant Educational Officer that there was lapse from the part of Sri. T. Chandraprakash, Headmaster in entering the details of cash collected under RI Act in the cash book.

5. The petitioner filed Ext P9 revision petition before Government against the order dated 10/02/2017 of the Assistant Educational Officer, Cheruplassery denying the extension of suspension of Sri. T. Chandraprakash,

Headmaster, Aided Junior Basic School, Kadampazhipuram, Palakkad beyond 15 days.

6. During the hearing, Sri. T. Chandraprakash has stated that he had maintained a register on RI Act cases. He has further stated that the amount collected was spent for taking copies, stationery items and necessary vouchers were kept.

7. Government have examined the whole matter in detail. It is seen that the register maintained by the Headmaster was not in the prescribed format. Necessary vouchers seen kept. The Headmaster was liable to make necessary entries in the cash book as observed by the department. The department officers present at the time of hearing stated that the department has not issued any instructions to the aided school Headmasters in the matter of maintaining registers on RI Act cases or in the matter of cash transactions in RI Act cases. Sri. T. Chandraprakash, Headmaster retired from service on 31/03/2017.

8. Even though there was some mistake from the part of the officer in maintaining registers in the prescribed format and in entering details in the cash book, the department cannot blame the delinquent since the department has not issued proper instructions in the matter. Moreover, misappropriation of funds was not proved. Considering the above facts and the situation that he has already retired from service, the order dated 10/02/2017 of the Assistant Educational Officer, Cheruplassery is upheld. Moreover, the Director of Public Instructions is directed to issue necessary Circular/Instructions to the aided school Headmasters to maintain RI Act registers in the prescribed format and also necessary guidelines in the matter of cash transactions in RI Act cases.

9. The revision petition read as 1<sup>st</sup> paper above is rejected accordingly and the Judgment read as 3<sup>rd</sup> paper above is thus complied with.

(By Order of the Governor)

**AJITH K JOSEPH**

Deputy Secretary to Government.

To

The Advocate General, Ernakulam (with C.L).  
The Director of Public Instruction, Thiruvananthapuram.  
The Deputy Director of Education, Palakkad.  
The Assistant Educational Officer, Cheruplassery, Palakkad.  
The Manager, Aided junior Basic School, Kadampazhipuram, Palakkad.  
Sri. T. Chandraprakash, Headmaster, Aided Junior Basic School,  
Kadampazhipuram, Palakkad.  
The Information and Public Relations(W&NM) Department (to upload  
Govt. Web site).  
Stock file/Office copy

Forwarded/ By Order,

  
Section Officer.