



GOVERNMENT OF KERALA

Abstract

General Education -Common Judgement dated 16/08/11 in WP(C) 18904/2011-K -filed by Smt. A. AjithaKumari , LPSA, Lutheran LP School, Madathikonam and 20935/2011(N) filed by Rev.C.H. Alfred, Manager Corporate Management of Lutheran Schools - Complied with-Orders Issued.

GENERAL EDUCATION (H) DEPARTMENT

G.O (Rt) No.5152/11/G.Edn.

Dated, Thiruvananthapuram 21/11/11

Read :-

1. Government Letter No.33938/H1/11GE dated 6/7/11.
2. Common Judgement dated 16/08/11 in W.P(C)-18904/2011-K and 20935/2011-N of the Hon'ble High Court.
3. Judgement in WP(C) Nos.15119/11,15135/11,19495/11 and R.PNo.570/11 in WP(C)15120/11(L).
4. Order No F1/34555/11 dated 28/07/2011 of the Director of Public Instruction, Thiruvananthapuram.
5. Revision petition dated 5/08/11 submitted by Rev.C.H.Alfred, Manager Corporate Management in Lutheran Schools.

ORDER

The Issue related to the transfer and posting of 14 LPSA's under the Corporate Management of Lutheran Schools created unhealthy situation among the teachers. One of the affected teacher Smt. Jayapraveela approached Government. She also filed WP(C)-15120/2011(L). The Hon'ble High Court directed petitioner to approach Director of public Instruction to get appropriate orders. The Director of Public Instruction, Thiruvananthapuram cancelled the transfer of 14 LPSA'S vide 4th paper above by complying the judgement in 15119/2011-L,15135/2011-N,19495/11-J, and Review Petition No.570/11 in WP(C)-15120/2011-L. Against the order of Director of Public Instruction the Manager filed WP(C)20935/2011. In the Judgement dated 16/08/11 vide 2nd paper above Hon'ble High Court directed the Government to take a decision on Ext.P12 revision petition with notice to all petitioners including the affected teachers with in a period of 2 months from the date of receipt of the copy of the Judgement. As such a hearing conducted on 4/10/2011.

During the hearing the manager argued that all the transfer made is strictly in accordance with rules. Most of the transfers are made on request and all accepted the same except a few teachers. No new appointment done

and it is allowable to transfer from uneconomic school to other uneconomic school etc. During the hearing the manager raised some serious allegations against some teachers.

The essence of the many arguments made by other teachers is summarized as following.

1. Some said they requested transfer and they accepted the same.
2. Many said they did not ask for transfer but were transferred.
3. Some pointed out that some transfer made on the basis of personal vengeance.
4. As far as manager's allegation is concerned the teachers stated that all are baseless and they challenged to take disciplinary action if found the allegation are true, as per rule.
5. Many teachers also stated, though Director, Public Instructions ordered to maintain status quo the manager asked them not to obey the order of Director, Public Instructions but to manager.

The Department authorities stated with clear evidences that the manager violated all the rules and standing instruction in making transfer.

All these facts were examined in detail. The action of manager making transfer is against the rules and instructions. It is also revealed from the time of hearing that the manager possesses some personal vengeance to somebody because he raised some allegation with out any specific evidence. Government already gave direction to disburse salary after obtaining a bond from manager. Some Assistant Educational Officers reported that the manager was not willing to give such bond. In over all examination the action of management in making transfer is against the rules and instruction given by Government. The Government found that the finding and decision taken by the Director of Public Instruction as per 4th paper is true to rules and facts. In the circumstance Government order as follows.

1. The decision of Director of Public Instruction vide 4th paper above is upheld, the statusquo will be maintained as such on 30/05/2011.
2. The manager is hereby directed not to make any transfer during the current academic year as it will

affect the future of students.

3. The salary will be disbursed to all the teachers if they are otherwise eligible for the same as per rules and if they have actually worked; provided that there is a post to accommodate them.

The direction in the Judgment dated 16/08/11 vide 2nd paper above is complied with accordingly.

(By Order of the Governor)
V.VILASACHANDRAN NAIR
UNDER SECRETARY TO GOVERNMENT

Endt. No. F1/34555/2011. Dt. 22.11.2011.

Copy forwarded for further action.

The Deputy Directors of Education Thiruvananthapuram, Kollam Alappuzha.
All District Educational Officers concerned.
All Asst. Educational Officers concerned.

Sd/-
For Director of Public Instruction.

Approved for Issue


Superintendent

vg