

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR.JUSTICE VIJU ABRAHAM

Wednesday, the 19th day of August 2026 / 28th Sravana, 1948
WP(C) NO. 27818 OF 2026 (B)

PETITIONER:

GURUPRASAD RAI K AGED 44 YEARS S/O K RAMA, RESIDING AT MAMATHA NIVAS, CHENNERKATTE, BADIYADKA PO, PERDALA KASARGOD UPPER PRIMARY SCHOOL TEACHER, AUPS, PALLATHADKA , PIN - 671551

RESPONDENTS:

1. STATE OF KERALA REPRESENTED BY THE SECRETARY GENERAL EDUCATION DEPARTMENT THIRUVANANTHAPURAM , PIN - 695001
2. DIRECTOR OF GENERAL EDUCATION DIRECTORATE OF GENERAL EDUCATION JAGATHY, THIRUVANANTHAPURAM , PIN - 695014
3. DEPUTY DIRECTOR OF EDUCATION OFFICE OF THE DEPUTY DIRECTOR OF EDUCATION, KASARGOD DISTRICT , PIN - 671121
4. DISTRICT EDUCATIONAL OFFICER OFFICE OF THE DISTRICT EDUCATIONAL OFFICER, KASARGOD , PIN - 671121
5. THE ASSISTANT EDUCATIONAL OFFICER OFFICE OF ASSISTANT EDUCATIONAL OFFICER, KUMBLA, BADIYADKA, KASARGOD , PIN - 671551
6. THE MANAGER AUPS PALLATHADKA, PALLATHADKA, KASARGOD , PIN - 671551

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to stay Ext P2 letter, Ext P3 order, Ext P4 memo of charges and all further proceedings pursuant thereto, pending disposal of the above writ petition.

This petition again coming on for admission upon perusing the petition and the affidavit filed in support of WP(C) and this Court's order dated 13/08/2026 and upon hearing the arguments of M/S. K.S.BHARATHAN, AADITHYAN S.MANNALI, RONIT ZACHARIAH, SAGITH KUMAR V., HEMANTH H. & S.KRISHNA, Advocates for the petitioner and of the SPECIAL GOVERNMENT PLEADER for R1 to R5, the court passed the following:

WEDNESDAY, THE 19TH DAY OF AUGUST 2026

WP(C) No. 27818 of 2026

GURUPRASAD RAI K

VS

STATE OF KERALA & OTHERS

ADVS FOR PETITIONER/S:

SRI.K.S.BHARATHAN, SRI.AADITHYAN S.MANNALI, SHRI.RONIT ZACHARIAH,
SHRI.SAGITH KUMAR V., SHRI.HEMANTH H., KUM.S.KRISHNA

ADVS FOR RESPONDENT/S:

VIJU ABRAHAM , J.

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WP(C) No.27818 of 2026

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Dated this the 19th day of August, 2026

ORDER

Admit.

2. The learned Special Government Pleader takes notice for respondents 1 to 5. Issue notice to the 6th respondent by speed post.

3. Petitioner challenges Ext P2, P3 and P4. Petitioner is working as a teacher at AUPS Pallathadka Aided School under the management of the 6th respondent. On 06.08.2026, a competition named 'Social Science Club Freedom Quiz 2026' was conducted for the schools in Kumbala and Manjeswaram, Sub-Districts of Kasargod District, at the lower primary, upper primary and high school levels. The lower primary level quiz

had a total of 15 questions and an additional 5 tie-breaker questions, of which the 5th question was “*Who was the freedom fighter who received the maximum punishment from the Britishers?*” and the answer given was “*V.D. Savarkar*” as evident from Ext P1 question paper. The said answer became a subject of controversy, and the 3rd respondent conducted an enquiry, and later the 2nd respondent, vide Ext.P2, entrusted the 3rd respondent to place the petitioner under suspension as per Section 12A of the Kerala Education Act, 1958 and to direct the Manager to initiate disciplinary proceedings as per Rule 75 of Chapter XIVA of Kerala Education Rules. On the same day, the 3rd respondent issued Ext.P3 order of suspension. Petitioner submits that a perusal of Ext.P3 would reveal that proceedings have been initiated as per the direction of the Minister for General Education. It is further submitted that the suspension order was issued not in compliance with the provisions of Section 12A of the Kerala Education Act. Consequent to the order of suspension, Ext.P4 memo of charges was also issued. Petitioner contends that Ext.P3 order of suspension was issued solely for the reason that the above-quoted question was not palatable to a section of society. It is submitted that late V.D. Savarkar was a freedom fighter and was in jail for a considerable long period. It is further submitted that the action initiated based on the direction of the Minister is in violation of Rule 90 of the Kerala Government Secretariat Instructions. It is on the above-said grounds that the present

writ petition has been filed.

4. Petitioner would submit that, only for having set the above-said question paper in connection with a quiz competition, he cannot be said to have committed any act of indiscipline warranting a disciplinary proceeding. Petitioner, relying on Ext.P4 memo of charges, submits that it is made clear therein that since the core allegation pertains exclusively to the historical accuracy, academic framing and factual context of a social science quiz question, the management insists that the domestic enquiry must be grounded in academic objectivity rather than external or political consideration and that they are approaching the Educational authorities requesting to immediately constitute an independent academic expert analysis committee with the task of formally examining the historical veracity and academic propriety of the disputed question and the answer shall form the crucial evidentiary component of the ongoing departmental enquiry. The learned counsel for the petitioner would submit that the 5th respondent, Assistant Education Officer, as per Ext P8 e-mail communication, has addressed the school headmasters and teachers about the freedom quiz to be conducted, in which it is specifically stated that the question paper for the said quiz will be sent to the school by the 5th respondent, through e-mail. The specific case of the petitioner is that, after he had prepared the question paper, the same was sent to the 5th respondent, as evident from Ext P9. Petitioner on the basis of the same

submits that after he has set the question paper for the quiz, it was scrutinized by the 5th respondent and it is only thereafter that the same was sent to various headmasters for the conduct of quiz competition and submit that the petitioner is penalized for a bonafide action done by him, with the approval of the 5th respondent and no action is taken against the 5th respondent.

5. A detailed counter affidavit has been filed by the 3rd respondent pointing out that the contention that Shri V.D. Savarkar was a freedom fighter who suffered maximum punishment/ imprisonment under the British regime is factually incorrect and there are other freedom fighters who underwent longer period of imprisonment and the petitioner while preparing the question paper failed to exercise due care resulting in the inclusion of a highly controversial and objectionable question and answer, which gave rise to public complaints. The disciplinary proceedings were initiated not on account of any opinion or ideology but on account of the petitioner's negligence of duty. The order of suspension is by lawfully exercising the power conferred under Section 12A of the Kerala Education Act, 1958 and Rule 75 of Chapter XIVA of the Kerala Education Rules. Further, it is stated that a direction was issued to the Manager to initiate disciplinary proceedings after due consideration of the fact-finding enquiry report and the gravity of the matter. The suspension is not a punishment, and the petitioner has an effective alternative remedy to challenge the

disciplinary proceedings initiated against him, and the filing of the present writ petition without availing the alternative remedy is highly premature.

6. I have heard the rival contentions on both sides.

7. The controversy revolves around a question prepared by the petitioner for a school-level quiz competition. Going by the counter affidavit filed by the 3rd respondent, the answer to the said question is factually incorrect, and there is a failure on the part of the petitioner to exercise due care while preparing the question paper, which resulted in the inclusion of a highly controversial question and answer. It is admitted in the counter affidavit that disciplinary proceedings were initiated not on account of any opinion or ideology but on account of the petitioner's negligence of duty. In Ext.P4 memo of charges, the Manager has also made it clear that since the core allegation pertains exclusively to the historical accuracy, academic framing and factual context of a social science quiz question, the management insists that the domestic enquiry must be grounded in academic objectivity rather than external or political consideration and that they are approaching the Educational authorities to immediately constitute an independent academic expert analysis committee with the task of formally examining the historical veracity and academic propriety of the disputed question and the answer shall form the crucial evidentiary component of the ongoing departmental enquiry. So, going by the stand of the Government as well as the Manager who issued

Ext.P4, the controversy solely lies in the correctness of the content of the question and answer, which is to be decided based on the findings in the enquiry. Though negligence of duty is attributed to the petitioner, it is very well clear from Ext.P9 that after the preparation of the question paper, the same was sent to the 5th respondent AEO, and it is the 5th respondent who distributed the question paper to headmasters of various schools for conduct of the quiz competition, as evident from Ext.P8. Therefore, the 5th respondent is also aware of the contents in the question paper for the quiz competition, but did not raise any objection regarding any of the questions prepared by the petitioner. Further, it is to be noted that no action has been taken against the 5th respondent. Another aspect to be noted is that though in the counter affidavit it is stated that the proceedings directed to be initiated against the petitioner are based on a fact-finding enquiry report, the same is not referred to in Exts. P2 and P3 proceedings, nor a copy of the same is produced along with the counter affidavit.

8. Taking into consideration the allegation raised against the petitioner, I am of the opinion that the enquiry initiated as per Ext.P4 shall continue, but at the same time, I am of the view that the continued suspension of the petitioner is not required for the proper conduct of the enquiry, taking into consideration the nature of allegations raised against him. The Division Bench of this Court in **Vikraman Nair K. v. State of Kerala and others, 2008 (4) KHC 412** has held that suspension of an

employee pending disciplinary proceedings and departmental enquiry is not automatic but is discretionary and the suspension pending enquiry is only to enable the smooth conduct of the proceedings.

9. In the light of the above discussion, I am inclined to pass an interim order staying the operation of Ext P3 order of suspension for a period of 1 month.

Post on 18.09.2026.

Sd/-
VIJU ABRAHAM
JUDGE

sbk/-



APPENDIX OF WP(C) 27818/2026

Exhibit P1	TRUE COPY OF THE QUESTION PAPER
Exhibit P2	TRUE COPY OF THE LETTER DATED 09.08.2026 BEARING NO. DGE/14446/2026-VB5/DGE ISSUED BY THE 2ND RESPONDENT TO THE 3RD RESPONDENT
Exhibit P3	TRUE COPY OF THE ORDER BEARING NO. DDEKGD/2889/2026-B2 DATED 09.08.2026 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER
Exhibit P4	TRUE COPY OF THE CHARGE MEMO ISSUED TO THE PETITIONER BY THE 6TH RESPONDENT BEARING NO. MANAGER/AUPSPALLATHADKA/MEMO/1/2026 DATED 11.08.2026
Exhibit P8	TRUE COPY OF THE EMAIL COMMUNICATION FROM THE 5TH RESPONDENT TO HEADMASTERS AND TEACHERS DATED 05.08.2026
Exhibit P9	TRUE COPY OF THE SCREENSHOT OF EMAIL SENT BY THE PETITIONER TO THE 5TH RESPONDENT DATED 01.08.2026

