

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE SMT. JUSTICE P.V.ASHA

WEDNESDAY, THE 26TH DAY OF AUGUST 2020 / 4TH BHADRA, 1942

WP(C).No.14977 OF 2020(V)

PETITIONER:

THOMAS K PHILIP,
AGED 53 YEARS, S/O K.P.THOMAS,
HEAD ACCOUNTANT (UNDER ORDERS OF SUSPENSION),
ST.MARY'S COLLEGE MANARACUD,
MALAM.P.O, KOTTAYAM-686019.

BY ADVS.
SRI.S.PRASANTH (AYYAPPANKAVU)
SMT.VARSHA BHASKAR

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
HIGHER EDUCATION DEPARTMENT, SECRETARIAT,
THRIRUVANANTHAPURAM-695001.
- 2 THE DY.DIRECTOR OF COLLEGIATE EDUCATION,
OFFICE OF THE DY.DIRECTOR OF COLLEGIATE EDUCATION,
NEAR FIRE STATION, VAYASKARAKUNNU,
PALACE ROAD, KOTTAYAM-686001.
- 3 MAHATMA GANDHI UNIVERSITY
REPRESENTED BY ITS REGISTRAR,
PRIYADARSINI HILLS, KOTTAYAM,
KERALA, INDIA-686560.
- 4 ST.MARY'S COLLEGE MANARCAUD
REPRESENTED BY THE MANAGER,
MALAM.P.O, KOTTAYAM-686019.
- 5 DR.PUNNEN KURIAN
PRINCIPAL, ST.MARY'S COLLEGE MANARCAUD,
MALAM.P.O, KOTTAYAM-686 019.

6 ADDL.R6. MATHEW JACOB,
S/O MATHEW JACOB, AGED 59 YEARS, RESIDING AT
KOCHUPARAMBIL, MANRCAUD.P.O, KOTTAYAM-686019.

(ADDL.R6 IS IMPLEADED AS PER ORDER DATED 07.08.2020
IN IA.NO.1/2020 IN W.P.(C) NO.14977/2020.)

R3 BY SRI.ASOK M.CHERIAN, SC, M.G.UNIVERSITY
R4-5 BY ADV. SRI.BABY ISSAC ILLICKAL
R4-5 BY ADV. SRI.ISAAC KURUVILLA ILLIKAL
R1 & R2 BY SR.GOVERNMENT PLEADER SRI.P.M.MANOJ

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
21.08.2020, THE COURT ON 26.08.2020 DELIVERED THE FOLLOWING:

P.VASHA, J.

W.P(c) No.14977 of 2020-V

Dated this the 26th day of August, 2020

J U D G M E N T

Ext.P14 order by which the petitioner is placed under suspension is under challenge in this Writ Petition.

2. The petitioner is the Head Accountant in the St.Mary's College, Manarcaud. It is stated that consequent to the death of former Head Accountant Sajan Zachariah while in service on 5.10.2019, petitioner was promoted as Head Accountant and he took charge on 09.10.2019. According to the petitioner, the circumstances which resulted in his suspension are the following: Immediately after the petitioner took charge as Head Accountant, he noticed several discrepancies in the account books of the college and therefore on 17.10.2019, as per Ext.P1 letter he requested the Principal - the 5th respondent, to take steps to get the accounts audited. It was followed by Ext.P2 letter on 4.11.2019 to the Manager-the 4th respondent. Thereupon, the 5th respondent as per Ext.P3 letter dt.5.11.2019 directed him to complete the work on cash book, ledgers, voucher files, registers etc. and get all those ready before 11.11.2019 for furnishing the same for audit. It was stated that as per the duty assignment in the college issued on 6.3.2018, the petitioner was in charge of cash book, ledger voucher files, concerned registers etc. and that he used to furnish cash book alone for audit and

that despite repeated directions he has not furnished the ledgers and vouchers. On the very same day the petitioner as per Ext.P4 letter informed the 5th respondent that he was given only charge of maintaining TR-7A cash book and the same was duly completed and submitted; other books like P.D Special fee cash book, P.D Caution deposit cash book, daily fee collection register were maintained by late Sajan Zachariah and were seen countersigned by the 5th respondent; after he took charge, when he examined these accounts in order to make entries in continuation, serious discrepancies were noticed and therefore he requested for arranging an audit; the allegations were raised referring to his duty assignment from 06.03.2018 only because he insisted for audit, in order to make the entries. Thereafter, the 5th respondent as per Ext.P5 letter dt.7.12.19 stating that the audit wing has postponed the audit to 12.12.2019 since he did not complete the arrangements for the audit despite instructions issued on 25.11.2019, the petitioner was directed to complete the arrangements for the same before 10.12.19. In Ext.P6 reply submitted on 9.12.2019 he pointed out the request he had made in Ext.P1 letter to get the accounts audited; but the 5th respondent did not take any steps for the same; the account books have not been verified periodically by the higher authorities; a sum of Rs.10,86,700/- was seen withdrawn from the e-grants account; with the knowledge of the 5th respondent that amount was remitted to that account from the personal account of the son of deceased Sajan Zacharia, which is a serious irregularity; the 5th respondent wanted the petitioner to include the said transaction in the cash book, which the petitioner did not accede to, insisting for an audit. On

14.01.2020 the petitioner as per Ext.P7 letter informed the 5th respondent that in view of the large number of discrepancies found in the account books and because accounting discrepancies cannot be corrected subsequently, the books cannot be completed. On 04.03.2020, the 4th respondent issued a show cause notice asking his explanation for his absence for 2 days when petitioner's son was hospitalised; on submitting Ext.P9 reply, the Manager issued Ext.P10 letter informing that he is not initiating any action in view of the explanation. The 5th respondent, who wanted to cover up his irregularities which he committed along with late Sajan Zacharia, was adopting measures of harassment in all possible ways, without the knowledge of the Manager/the 4th respondent. The 5th respondent managed to convene a staff council meeting without any intimation to all the members including the petitioner or the librarian; certain decisions were taken to enquire into the financial irregularities in the college; the 5th respondent preferred a complaint to the 4th respondent referring to those decisions; though the petitioner and the librarian are also members of the staff council, the alleged meeting in which the alleged decisions were taken, was conducted without notice to either the petitioner or the librarian. Ext.P12 show cause notice was issued thereafter on 02.07.2020 alleging irregularities on the part of the petitioner in maintaining the accounts for the period from 14.3.18 to 7.6.19; inaction in making arrangements for the audit, etc. The petitioner submitted Ext.P13 explanation denying those allegations pointing out the factual circumstances. Ext.P14 order of suspension was issued thereafter on 21.7.2020, stating that his reply to the show cause notice

is not satisfactory and it was decided to proceed with disciplinary action against him. It is stated that though there is a seal of the Manager of the College, the name of the signatory is not shown there and it is not in the letterhead of the Society or that of the Manager. The petitioner submits that the 4th respondent does not have any authority to place him under suspension, because Ext.P15 byelaws of the Society which runs the college, under Clause 8(a) provides that a Parish Priest elected by the general body shall be the Chairman of the Society, who shall be the Manager. Pointing out various correspondence from the Directorate of Collegiate Education, the Manager, etc. in Exts.P16 to P18, the petitioner states that there is not even a properly constituted governing board for a long time. The writ petition was filed at this stage pointing out that the order of suspension is non-est.

3. Respondents 4 and 5 have filed separate counter affidavits denying the allegations raised by the petitioner. In the counter affidavit, the 5th respondent has stated that the suspension was ordered by the manager as authorised by the educational agency after he was prima facie convinced of the complaints about the petitioner. It is stated that St.Mary's College, Manarcaud is administered by a unitary management viz. St.Mary's Jacobite Syrian Charitable and Educational Society, Manarcad, which is a registered society which is governed by Ext.R5(a)/Ext P15 bye-law. It is stated that the additional 6th respondent was appointed in a meeting held on 18.07.2020, in view of the emergent circumstances under clause 8(g) of the byelaw until a general body is convened for electing a priest. It is stated that as per Section 56 of the M.G University Act, the

Management can appoint the Manager for the College. The appointment of the new Manager by the Educational Agency was duly intimated to the 2nd and 3rd respondents on 21.07.2020. Suspension was ordered as per the decision of the management; the educational agency was prima face satisfied that there is grave misconduct on the part of the petitioner; Ext.R4(c) memo of charges are issued on 29.07.2020.

4. It is further stated that immediately after the demise of Sajan Zachariah the petitioner barged into his office unauthorisedly on 8.10.2019 during Pooja Holidays and took possession of various files and registers, even before the charge of Head Accountant was given to him by the Principal and it was understood that several important documents and registers were removed by the petitioner from the office on that day; therefore, the Principal could not formally conduct an internal audit. It is stated that a few days thereafter the petitioner reported about the shortage of a sum of Rs.2,99,740/- in the cash balance out of PTA collection and collection for college cooperative society. The 5th respondent intimated the same to the manager and he directed the widow of Sajan Zachariah to refund the said amount and she made the payment. Subsequently, an internal audit was ordered to the accounts dealt with by late Sajan Zachariah when further misappropriations were found to be made by him from the e-grants account of the college to the tune of Rs.10,86,644/-. The said amount was seen withdrawn from time to time by him from the bank without accounting the same in the records of the college. Thereupon on intimation to the widow through the 4th respondent, the

widow and son of late Sajan Zachariah remitted a sum of Rs.10,86,644/- by transfer to the account of the college by cheque. It is further stated that the withdrawals from the e-grants account was found to have been made during the period from 1.6.2018 to 7.6.2019, at a time when the petitioner was in charge of the duty of maintaining cash book and ledgers, as per the duty assignment of office staff and that it was Sri Sajan Zachariah who handled the cash balance and cheque books. It is stated that the matter was reported to the staff council meeting on 1.11.2019 when it was recommended to conduct a further enquiry. It is further alleged that the audit for the period 1.12.2014 to 31.10.19 which was proposed to be conducted between 9.12.2019 and 23.12.2019 could not be conducted since the connected records were not updated or kept ready for inspection by the petitioner despite repeated instructions issued to him by the Principal. It is stated that an explanation was sought from the 5th respondent by the audit team of the 2nd respondent for not putting signature in the cash book of the college between 29.10.2019 and 11.12.2019 and also for not preparing the accounts relating to usage of special fees in the proper format. The 5th respondent had furnished explanation that the petitioner did not submit the cash book, ledgers and other documents after he took charge as the Head Accountant in spite of specific orders and the matter was informed to the staff council. Due to the irresponsible nature of the petitioner in not getting the records ready, before the stipulated time, the audit officer was unable to proceed with the audit on 12.12.2019, without updating and completing the records. On further directions issued to him, though

the petitioner informed that the ledgers and accounts are ready, at the time of the audit conducted between 13.02.2020 and 24.02.2020, he did not provide several documents requested by them; the petitioner unauthorisedly absented himself at a time when salary bills for the month of February, 2020 had to be prepared and presented and examination fees of the students had to be remitted; the petitioner continued to flout the directions of the 5th respondent by not submitting the cash book, registers, cash balance etc. for scrutiny and signature on a daily basis; the staff council which met on 4.3.2020 discussed the matter and the 11 members who participated in the meeting unanimously requested the 5th respondent to bring this to the notice of the Manager and to recommend action against the petitioner and that the inaction on the part of the petitioner shall be brought to the notice of the educational agency; the members of the staff council had forwarded a complaint against the petitioner to the 4th respondent on 4.3.2020 requesting to take action against him pointing out the irresponsible nature of the petitioner which was seriously affecting the reputation of the college. The 4th respondent thereafter talked to the petitioner on 9.3.2020 and 10.3.2020 and disciplinary proceedings were not initiated on the basis of the assurances given by him to carry out duties more diligently and responsibly. The 5th respondent again reported his dereliction of his duty on 12.3.2020. It is stated that in those circumstances it became necessary to initiate disciplinary proceedings against the petitioner to inquire into various misappropriations committed by late Sajan Zachariah, manipulation and destruction of documents, dereliction of duty, insubordination etc.

5. The 5th respondent also filed a counter affidavit with more or less similar contentions and refuting the allegations against him. Apart from that he stated that he had only directed the petitioner to update the registers. He stated that the petitioner was issued with Ext.R5(t) memo of charges and statement of allegations on 29.07.2020.

6. Along with I.A.No.3/2020 the petitioner produced Ext.P22 extract from the handbook issued by the Director of Collegiate Education pointing out the duties of the Principal and the Head Accountant and stated that the petitioner was in charge of only TR 7A cash book at the relevant time when Sri Sajan Zachariah passed away. According to him, he was duty bound to enter the accounts in the cash book only when the Head Accountant and the Principal furnished vouchers after putting their signature.

7. The petitioner has filed a reply affidavit refuting the allegations raised by the respondents. In the reply affidavit to the counter affidavit of the 4th respondent, the petitioner has produced Ext.P20 audit report pointing out that explanations were sought from the Principal on various discrepancies and the serious lapses on the part of the Principal in not ensuring the appropriation of amounts in accordance with law and pointing out serious lapse on his part on various counts. According to the petitioner, the 5th respondent along with the Head Accountant was committing misappropriation. It is stated that there is no other priest in the governing board other than Fr.Kuriakose Kalayil and no one could have been appointed as the manager. According to the petitioner, the term of

Fr.Kuriakose Kalayil was over in March, 2020 and this matter was already communicated to the Church authorities. It is stated that the term of the members had also expired and such members cannot be part of the governing board. It was stated that Ext.R4(b) minutes were hastily made in order to cover up the illegalities. The minutes itself is titled as that of St.Mary's college, Manarcaud; whereas the governing Board is that of St.Mary's Jacobite Syrian Charitable and Educational Society; but the minutes are recorded in the minutes book of the college. The petitioner stated that the 5th respondent, who is not a member of the governing board as per Ext.P15 byelaws, has signed the minutes. As per Ext.P15 bye-law of St.Mary's Jacobite Syrian Charitable and Educational Society, the parish priest elected by the general body of the society under clause 8(a) shall be the chairman of the society as well as the manager of all under the society. Therefore, only a parish priest can be the manager and he cannot be replaced by another person. As per clause 8(d) of the byelaws, the period of office of any member of the governing board shall be one year. It is also provided therein that no member of the board can continue in office for more than 2 terms consecutively except the chairman cum manager. There is a clear ban for any staff from being elected or nominated to the governing board. Under clause 8(o) if vacancies arise in the governing board due to death, incapacity or resignation or otherwise of any of its members, the remaining members of the governing board can fill up that vacancy as per the same nomenclature. It is also provided that the tenure of a co-opted member shall only be till the expiry of the period of the replaced member.

Therefore, the contention of the petitioner is that only a priest could have been replaced the outgoing manager. The petitioner pointed out that in the present case, the term of the manager was already over. The 5th respondent, who is a staff of a college, has no authority to be present in the meeting of the governing body.

8. It is stated that the 5th respondent never made any request to the 3rd respondent to conduct any audit during the last 4 years. Referring to Ext.P20 audit report collected by the petitioner on application under the Right to Information Act it is stated that serious irregularities are found against the 5th respondent in collusion with the deceased Sajan Zachariah and the 5th respondent was resisting the conduct of an audit immediately he took charge as the Head Accountant. According to the petitioner, he took charge as Head Accountant only on 6.10.19 and no discrepancies are reported after the said period. It is pointed out that the e-grant accounts cannot be operated and no amount can be credited to the e-grants account. In case a cheque is encashed and credited in the e-grants account it is a serious dereliction of duty on the part of the 5th respondent. Referring to Ext.P20 audit report, the petitioner pointed out that amounts to the tune of Rs.5 lakhs and above were seen credited to the e-grants accounts twice when Sajan Zachariah was the Head Accountant and the 5th respondent is responsible for such remissions in e-grants account. According to the petitioner, he has maintained the cash book from 6.3.2018. The cheques which are signed by the Principal have not been entered from that day because the petitioner was never informed about these transactions as he had been very particular that it has to be supported by chalan receipts and

other documents. The earlier entries were made with vouchers. The discrepancies are pointed out in the audit report. It is stated that the petitioner was not informed about the cheques encashed by the 5th respondent and Sri Sajan Zachariah and they colluded for misappropriation of the cash. It was only when the petitioner found discrepancies in the amounts from 14.3.2018 that the amounts were deposited to the e-grants account. The petitioner states that when Sajan Zachariah expired, the petitioner along with another staff had visited his house and collected the files stored in his house and kept it in the college under the supervision of the 5th respondent and the 5th respondent had given the keys of the cabin of the Head Accountant in front of other staff and he entered the cabin only thereafter.

9. The 5th respondent has filed a rejoinder to the reply affidavit again raising allegations against the petitioner.

10. One Susamma Mathew has filed I.A.No.2 of 2020, through Adv. Rhea Ann Mathew for getting herself impleaded in this Writ Petition alleging that she is a parishner and member of the managing committee of the St. Mary's Church Manarcaud, a parish under the Malankara Orthodox Church. According to her, the St. Mary's College, Manarcaud is an educational institution owned by the Church; though a society is formed for its management, the parish general body is the final authority over any matter pertaining to the College. She has stated that the present manager is not a priest. She has produced Ext.R6(a) letter from one Fr. Laiju addressed to the Deputy Director of Collegiate Education informing that he is elected as the Manager of the College and he is the authorised person to

communicate with the authorities in connection with the administration of the College. The 5th respondent has filed a counter affidavit to it opposing the impleadment. I heard the learned Counsel on the petition. However, I find that in a matter relating to suspension it is not necessary to have a parishner on the party array. Hence I.A.No.2/2020 is closed.

11. Heard the learned Counsel on both sides. Serious allegations relating to the accounts are raised in the pleadings as well as at the time of hearing. Both sides agree on the point that serious irregularities were committed by late Sajan Zacharia and the petitioner took charge as Head Accountant only on 09.10.2019. Audit reports show the seriousness of the irregularities in operating e-grants account.

12. The contention of the petitioner is that the Principal, who is personally impleaded as the 5th respondent, wants to further manipulate the accounts to implicate the petitioner who had insisted for getting the accounts audited right from the next day he took charge. It is also his case that the entire proceedings against him is because he did not agree to withdraw the amount remitted in the e-grants account by the widow and son of the deceased Head Accountant. At the same time, respondents 4 and 5 are raising allegations against the petitioner relying on assignment of duty and subsequent conduct. At any rate, an audit has already been conducted and serious irregularities are found in respect of operation of e-grant account.

13. Since the main contention of the petitioner is that Ext.P14 order of

suspension is issued by a person without authority, other allegations need be considered only after examining whether the order of suspension is issued by the competent authority.

14. The college is administered by the St.Mary's Jacobite Syrian Charitable and Educational Society. Ext.P15/Ext.R5(a) bye-laws provide for the administrative set up of St.Mary's Jacobite Syrian Charitable and Educational Society in clause 8. The manner in which the additional respondent no.6 was appointed is stated in paras.5 and 6 of the counter affidavit of the 4th respondent which read as follows:

" 5. xxxx xxxx xxxxx As per Ext.R5(a), for carrying out the administration of the society there shall be a Governing Board consisting of 4 elected members of the society, the trustees of the St.Mary's Jacobite Syrian Church, Manarcaud and a priest of the church elected by the general body of the society and also 3 representatives of the church managing committee approved by the General Body. The parish priest elected by the General Body as per clause 8(a) shall be the Chairman of the society as well as manager of all institutions under the society. As per clause 8(g) of the bye-laws the governing body can assign specific duties or responsibilities to any member/members of the Board. As per clause 14(vi) the manager is the disciplinary authority in respect of the institutions under the Educational Agency.

6. It is submitted that Fr.Kuriakose Kalayil, who was the Manager of St.Mary's College, Manarcaud, resigned from the post of Manager and also as the Chairman of the Society on 04.07.2020 due to ill health and also since his term was nearing expiry. However, due to the current Covid 19 pandemic, convening a General Body Meeting for electing a priest of the Church as Manager is not possible; in such circumstances, in order to handle the administration of the college, the Governing Body in the light of clause 8(g) of Ext.R5(a) Byelaws appointed me as the Manager (a Governing Board member) until a General Body could be convened for electing a priest as envisaged in Clause 8(a) of the Bye Laws. xxxx xxxx xxxx"

15. The administration of the society is to be under the governing board.

The relevant provisions in Clause 8 which provide for the administrative set up of

the society read as follows:

"8. a) For carrying out the administration of the society there shall be a Governing Board consisting of 4 elected members of the Society, the three Trustees of St.Mary's Jacobite Syrian Church, Manarcad and a priest of the church elected by the General Body of the Society and also 3 representatives of the church Managing Committee approved by the General Body.

b) The parish priest elected by the General Body of the Society by clause 8(a) shall be the Chairman of the Society as well as the Manager of all institutions under the society. The Secretary shall be elected by the Governing Board from among its members.

c) The Treasurer shall be one of the Trustees elected by the Governing Board.

d) The period of Office of a member of the Governing Board shall be one year.

e) No member of the Governing Board except the Chairman cum Manager shall continue in office for more than two terms consecutively.

f) The 4 Governing Board members and the priest who is to be Chairman cum Manager of the Society are to be elected in the first meeting of the General Body.

g) The Governing Board can assign specific duties or responsibilities to any member/members of the Board or form Committees or Sub-Committees from them for specific purposes defining their functions.

h) On matter of controversy/dispute, if any, of finding difficulty in arriving at a conclusion, the Chairman is empowered to refer the matter to the General Body for discussion, the decision taken by the General Body shall be final.

i) The Governing Board is competent enough to make appointment and fix remuneration to the staff members and employees of the Society subject to the approval of the General Body of the Society; however, in the case of employees who are to be paid by the Government this may be done only as per Government norms.

j) No member of the staff of St.Mary's Jacobite Syrian Church or any of its institution or of the society shall have any right to be elected or nominated to the Governing Board or any other office of the Society.

xxxx xxxx xxxx xxxx

o) If any vacancy arises in the Governing Board due to death, incapacity or resignation or otherwise of any of its members the remaining members of the Governing Board can fill up that vacancy as per the same nomenclature such outgoing members was elected. The tenure of the co-opted member shall be till the expiry of the remaining period at the replaced member.

p) The quorum of the Governing Board shall be and the period of notice for

convening a meeting shall be three days. However, emergency, meetings shall be conducted with only one day's notice."

Therefore, as per clause 8(b), only a parish priest elected by the general body under clause 8(a) can be the chairman of the society as well as the Manager of the institution under it. Admittedly, the additional 6th respondent, who is the manager personally impleaded is not a priest. Respondents 4 and 5 justify the election/appointment of the Manager relying on clause 8(g), according to which any member can be given any duty. But clause 8(g) cannot be invoked on the face of Clause 8(b) which specifically provides for who shall be the Manger and how he shall be elected and who shall be elected. Admittedly, there is no such election and the 4th respondent-the additional 6th respondent, is not a priest. Even a Governing Board as provided iin clause 8 is not in existence. Therefore, the additional 6th respondent could not derive any authority to exercise the duties of Manager by virtue of any decision taken in the meeting held on 18.07.2020, covered by Ext.R4(b) minutes.

16. It is also pertinent to note that the minutes would show that even Dr.Punnen Kurian, the Principal-the 5th respondent, has participated in the meeting; whereas Clause 8(j) specifically prohibits inclusion of any member of the staff in the Governing Board. The minutes would also show that no priest has participated in the meeting among the 10 persons including the 5th respondent who have put their signature in the minutes. The minutes would also show that the said meeting was convened in the absence of Manager Fr.Kuriakose Kalayil with the treasurer as the president of the governing board.

17. According to the respondents, they had to convene such a meeting and to have a Manager in view of the emergent situation arising in the college. No provision in the byelaw is brought to my notice enabling an action as contained in Ext.R4(b) minutes. The expiry of the term would be known to the members as well as the governing Board at the time when the term begins. Covid-19 pandemic cannot be a reason to dilute the provisions in the byelaws.

18. Yet another objection raised by respondents 4 and 5 is that the petitioner has not challenged the appointment of the Manager. This Court has found that the appointment of the Manager is contrary to the rule. As far as the suspension is concerned, an order passed by an incompetent authority cannot have any force. The learned Counsel for the petitioner relied on a judgment of the Division Bench of this Court where the principle of collateral challenge has been elaborately discussed. As pointed out by the learned Counsel for the petitioner, for the purpose of determining the validity of suspension it is not necessary for the petitioner to challenge the appointment of the Manager. When the order of suspension itself is issued by an authority which is not competent, Ext.P14 is void and nonest as held by the *Apex Court in Union of India v. Asokkumar Agarwal*: (2013)16 SCC 147.

19. Ext P14 order is therefore set aside. The petitioner shall stand reinstated forthwith.

20. In view of grave nature of the allegations raised relating to the accounts, there shall be a direction to the 2nd respondent to take custody of all the

records relating to the accounts in the College for the period for which the audit was conducted and upto 09.10.2019 until a properly elected Manager takes charge.

The Writ Petition is disposed of accordingly.

Sd/-

(P.V.ASHA, JUDGE)

rtr/

APPENDIX**PETITIONER'S EXHIBITS:**

- EXHIBIT P1 TRUE COPY OF THE LETTER DATED 17-10-2019 SENT BY THE PETITIONER TO THE 5TH RESPONDENT.
- EXHIBIT P2 TRUE COPY OF THE REQUEST DATED 4-11-2019 SENT BY THE PETITIONER TO THE 4TH RESPONDENT.
- EXHIBIT P3 TRUE COPY OF THE LETTER DATED 05-11-2019 SENT BY THE 5TH RESPONDENT TO THE PETITIONER.
- EXHIBIT P4 TRUE COPY OF THE REPLY DATED 05-11-2019 SENT BY THE PETITIONER TO THE 5TH RESPONDENT.
- EXHIBIT P5 TRUE COPY OF THE LETTER DATED 07.12.2019 SENT BY THE 5TH RESPONDENT TO THE PETITIONER.
- EXHIBIT P6 TRUE COPY OF THE REPL DATED 9-12-2019 SENT BY THE PETITIONER TO THE 5TH RESPONDENT.
- EXHIBIT P7 TRUE COPY OF THE LETTER DATED 14.01.2020 SENT BY THE PETITIONER TO THE 5TH RESPONDENT.
- EXHIBIT P8 TRUE COPY OF THE SHOW CAUSE NOTICE DATED 04.03.2020 SENT BY THE 4TH RESPONDENT TO THE PETITIONER.
- EXHIBIT P9 TRUE COPY OF THE REPLY DATED 06-03-2020 SENT BY THE PETITIONER TO THE 4TH RESPONDENT.
- EXHIBIT P10 TRUE COPY OF LETTER NO.SMCM/SDA/05/20 DATED 11.03.2020 SENT BY THE 4TH RESPONDENT TO THE PETITIONER.
- EXHIBIT P11 TRUE COPY OF THE LETTER DATED 11.03.2020 SENT BY THE 5TH RESPONDENT TO THE PETITIONER.

- EXHIBIT P12 TRUE COPY OF THE SHOW CAUSE NOTICE DATED 02.07.2020 ISSUED BY THE 4TH RESPONDENT TO THE PETITIONER.
- EXHIBIT P13 TRUE COPY OF THE REPLY DATED 03.07.2020 SUBMITTED BY THE PETITIONER TO THE 4TH RESPONDENT.
- EXHIBIT P14 TRUE COPY OF THE SUSPENSION ORDER DATED 21.07.2020 ISSUED BY THE 4TH RESPONDENT.
- EXHIBIT P15 TRUE COPY OF THE BYELAWS OF THE ST.MARY'S JACOBITE SYRIAN CHARITABLE AND EDUCATIONAL SOCIETY MANARCAD.
- EXHIBIT P16 TRUE COPY OF THE LETTER NO.EC/18623/2017/DCE DATED 09.11.2017 SENT BY THE DIRECTOR OF COLLEGIATE EDUCATION TO THE 4TH RESPONDENT.
- EXHIBIT P17 TRUE COPY OF ORDER NO.GO NO.3791/B1/ACADEMIC/2018 DATED 03.05.2018 ISSUED BY THE 3RD RESPONDENT.
- EXHIBIT P18 TRUE COPY OF THE LETTER DATED 23.12.2018 SENT BY THE 5TH RESPONDENT TO THE 4TH RESPONDENT.
- EXHIBIT P19 TRUE COPY OF LETTER NO. A.2/5573/20/RTI DATED 27.07.2020 SENT BY THE STATE PUBLIC INFORMATION OFFICER IN THE OFFICE OF THE 3RD RESPONDENT TO SRI. P.T.MATHEW.
- EXHIBIT P20 TRUE COPY OF THE AUDIT REPORT CONDUCTED BY THE 3RD RESPONDENT IN THE 4TH RESPONDENT COLLEGE.
- EXHIBIT P21 TRUE COPY OF THE LETTER DATED 16.03.2020 SENT BY FR. KURIAKOSE KALAYIL TO THE VICAR, ST. MARY'S CATHEDRAL.
- EXHIBIT P22 TRUE COPY OF THE EXTRACT OF THE HANDBOOK ISSUED BY THE DIRECTORATE OF COLLEGIATE EDUCATION.

RESPONDENTS' EXHIBITS:

- EXHIBIT-R4 (a) PHOTOCOPY OF THE BYE LAWS OF THE ST.MARYS JACOBITE SYRIAN CHARITABLE AND EDUCATIONAL SOCIETY.
- EXHIBIT-R4 (b) PHTOCOPY OF THE MINUTES OF THE GOVERNING BODY F THE SOCIETY DT. 18.07.2020.

- EXHIBIT-R4 (c) PHOTOCOPY OF THE STATEMENT OF ALLEGATIONS AND THE MEMO OF CHARGES DT.29.07.2020.
- EXHIBIT-R4 (d) PHOTOCOPY OF THE LETTER DT. 03.03.2020 OF THE 5TH RESPONDENT TO THE 4TH RESPONDENT.
- EXHIBIT-R4 (e) PHOTOCOPY OF THE LETTER DT.04.03.2020 OF THE STAFF COUNCIL TO THE 4TH RESPONDENT.
- EXHIBIT-R4 (f) PHOTOCOPY OF THE LETTER OF THE 4TH RESPONDENT TO THE 5TH RESPONDENT DT.11.03.2020.
- EXHIBIT-R4 (g) PHOTOCOPY OF THE LETTER DT.12.03.2020 OF THE 5TH RESPONDENT.
- EXT.R5 (a) PHOTOCOPY OF THE BYE LAW OF THE ST.MARY'S JACOBITE SYRIAN CHARITABLE AND EDUCATIONAL SOCIETY.
- EXT.R5 (b) PHOTOCOPY OF THE RESIGNATION LETTER DT.4.7.2020 OF THE PREVIOUS MANAGER.
- EXT.R5 (c) PHOTOCOPY OF THE MINUTES OF THE GOVERNING BODY OF THE SOCIETY DT.18.7.2020.
- EXT.R5 (d) PHOTOCOPY OF THE ORDER OF DUTY ASSIGNMENT OF OFFICE STAFF W.E.F 1.4.2018.
- EXT.R5 (e) PHOTOCOPY OF THE MINUTES OF THE STAFF COUNCIL MEETING ON 1.11.2019.
- EXT.R5 (f) PHOTOCOPY OF THE LETTER DT.25.11.2019 OF THE 2ND RESPONDENT.
- EXT.R5 (g) PHOTOCOPY OF THE MINUTES OF THE MEETING OF THE OFFICE STAFF DT.27.11.2019.
- EXT.R5 (h) PHOTOCOPY OF THE LETTER TO THE PETITIONER DT.7.12.2019.
- EXT.R5 (i) PHOTOCOPY OF THE LETTER OF THE SENIOR SUPERINTENDENT, OFFICE OF THE 2ND RESPONDENT DT.11.12.2019.
- EXT.R5 (j) PHOTOCOPY OF THE REPLY DT.12.12.2019 OF THE 5TH RESPONDENT.

- EXT.R5 (k)** PHOTOCOPY OF THE LETTER DT.12.12.2019 OF THE SENIOR SUPERINTENDENT TO THE 2ND RESPONDENT.
- EXT.R5 (l)** PHOTOCOPY OF THE LETTER OF THE 2ND RESPONDENT TO THE 5TH RESPONDENT DT.3.1.2020.
- EXT.R5 (m)** PHOTOCOPY OF THE LETTER OF THE 5TH RESPONDENT TO THE 2ND RESPONDENT DT.14.1.2020.
- EXT.R5 (n)** PHOTOCOPY OF THE LETTER DT.3.3.2020 OF THE 5TH RESPONDENT TO THE 4TH RESPONDENT.
- EXT.R5 (o)** PHOTOCOPY OF THE LETTER DT.3.3.2020 OF THE 5TH RESPONDENT TO THE 4TH RESPONDENT.
- EXT.R5 (p)** PHOTOCOPY OF THE MINUTES OF THE STAFF COUNCIL MEETING HELD ON 4.3.2020.
- EXT.R5 (q)** PHOTOCOPY OF THE LETTER DT.4.3.2020 OF THE STAFF COUNCIL.
- EXT.R5 (r)** PHOTOCOPY OF THE LETTER OF THE 4TH RESPONDENT TO THE 5TH RESPONDENT DT.11.3.2020.
- EXT.R5 (s)** PHOTOCOPY OF THE LETTER DT.12.3.2020 OF THE 5TH RESPONDENT TO THE 4TH RESPONDENT.
- EXT.R5 (t)** PHOTOCOPY OF THE MEMO OF CHARGES AND STATEMENT OF ALLEGATIONS DT.29.07.2019.
- EXT.R6 (a)** THE COPY OF THE LETTER ISSUED BY THE ELECTED MANAGER DT.22.07.2020.