

ature course of action. Some feel if he returned to the Congress(I) he would be used as a tool to dislodge Hegde only to be discarded later. Some others want him to take the plunge on condition that Mrs Gandhi accepts him as the top man in Karnataka so that he finally realises his long-cherished ambition of becoming the chief minister.

The invitation to Bangarappa has scared most Congress(I) leaders in the state. They see in him a threat to themselves. Gundu Rao has not forgotten the constant needling and harassment he underwent during his three years of chief ministership from Bangarappa, both inside and outside the cabinet. Similarly, Veerappa Moily, the present Congress(I) opposition leader who has been projecting himself as the champion of backward classes, should be dismayed by the imminent arrival of another stalwart in the party who has equal claims for that mantle.

But according to Congress(I) insiders, what has prompted the wooing of Bangarappa is Mrs Gandhi's realisation that she lost Karnataka because of the backward factor. Bangarappa's full-scale campaign against the upper caste bias of Gundu Rao had tilted the balance in favour of the Janata. Mrs Gandhi probably feels Bangarappa could do what Devaraj Urs did in the seventies. Urs had consolidated her image in Karnataka as a liberator of the backward classes, including scheduled castes and minorities.

If Bangarappa joins the Congress(I), it will be another fence-jumping in his chequered career. He went to the assembly from Sorab in 1967 and 1972 on the Socialist Party ticket. He left the party in a huff because he was denied the leadership of the three-man legislature party in 1973 and formed the revolutionary Kranti Kari Party. But when Emergency was imposed in 1975 he joined the Congress and was given a ministerial berth in the Urs cabinet. In 1978, elected on Congress(I) ticket, he was made the public works minister. When Mrs Gandhi and Urs drifted apart, he jumped onto the Congress(I) bandwagon and claimed the ad hoc PCC(I) presidency.

However, his hopes of becoming the topmost Congress(I) leader in Karnataka were belied. Mrs Gandhi nominated Gundu Rao as chief minister, brushing aside Bangarappa's protestations that he was better qualified. He became a dissident in spite of being the number two man in the cabinet and was constantly gunning for Gundu Rao which led to his ouster from the government in

January 1981.

When Urs died in June 1982, Bangarappa saw an opportunity to proclaim himself as the leading champion of backward classes. He came out of the Congress(I), after making serious charges against Mrs Gandhi and Gundu Rao and joined the Kranti Ranga. Soon he engineered a short-lived split in the Kranti Ranga that had been formed by Urs. He had insisted on the party presidency for himself while Urs loyalists opposed the newcomer. Finally the rift was patched up and the Kranti Ranga, with the Janata and two communist parties worsted the Congress(I) in the last assembly elections.

The much craved chief ministership again eluded Bangarappa as Hegde emerged as the Janata leader. Left out in the cold, he rejected the deputy chief min-

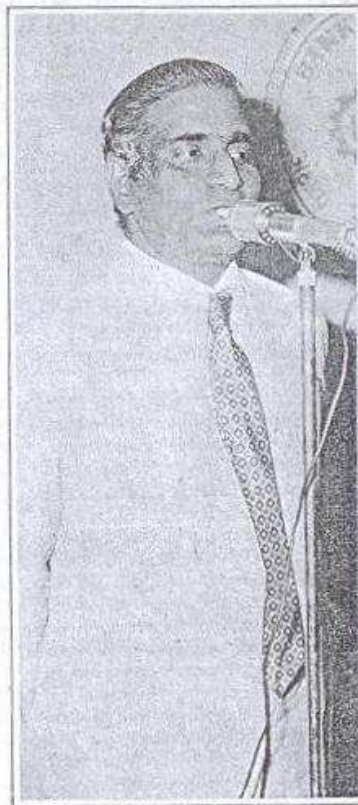
istership he was offered and vowed vengeance on Hegde. Last March he revived the Kranti Ranga, though the majority of the MLAs opted for merger with the Janata. His band of nine MLAs soon dwindled to five. The beneficiary was the Janata.

Since August Bangarappa has been an active participant in the toppling game. Vasani Bangera of the BJP, the only MLA whom he managed to win over to the opposition, retraced his steps within a week, claiming he was mesmerised by Bangarappa. Yet, Mrs Gandhi has obviously found great defection engineering potential in Bangarappa. Her own men had made the party a laughing stock while attempting to snare MLAs to the opposition.

—FROM OUR CORRESPONDENT

KERALA

Minister on the mat



Bold observations: Justice Sukumaran

It (the government order staying the suspension of a teacher) will tend to generate a feeling among the teaching staff that one can get away with the worst misconduct by availing of the assistance of a local leader of the party in power. The teacher was charged with very grave offences, including one involving moral turpitude of a heinous character... threatening a lady teacher to coerce her into immoral purposes... The kind of interference as had been attempted will certainly not enhance the prestige of a minister to whom the representation was submitted...

—Justice K. Sukumaran of the High Court of Kerala

KERALA's Education Minister KTM Jacob could not have aspired for a worse conduct certificate from the High Court as a Christmas gift. The hard-hitting comments came, despite the minister making an abortive bid to preempt them by vacating the stay of suspension granted by him and intimating the court of the same by a teleprinter message. Legally, the minister succeeded in making the verdict infructuous but the shock waves that the verdict created are bound to rock the already weakened coalition boat.

The story began on a Wednesday in June in a church-run school in Cannanore district of Kerala. A young, good-looking Hindi teacher alone in a staff room; the headmaster misbehaving with

her; she complaining to the manager of the school; suspension of the headmaster; the district educational officer's preliminary probe; extension of the suspension pending further enquiry; the headmaster approaching the education minister for help; a governmental stay on suspension, and finally, the manager of the school bringing up the matter before the High Court and the stricture that ensued.

The school records filed before the court level eight charges against the assistant-in-charge, functioning as the headmaster of the school.

1. Immoral behaviour towards a lady teacher,
2. Coming to school in a drunken state,
3. Misappropriation of funds,
4. Absence without leave and
5. Encouraging students to strike etc.

The school management has tons of material against Joseph Mathew, the central figure now catapulted to limelight because of the judiciary vs government angle of the story. The management alleged that the man had influenced the minister through the president of the local unit of the education minister's party, Kerala Congress(J). And the government's stay on suspension was challenged on various grounds including that the district educational officer, the competent authority as per Kerala Education Rules, had conducted a preliminary enquiry and extended the period of suspension.

Justice Sukumaran quoted a previous verdict of the High Court in this connection: "...under rule 67(6), an order of suspension made or deemed to have been made can only be revoked by the authority which made or is deemed to have made the order..."

The Hindi teacher involved is said to have been warned by the acting headmaster that her performance was not satisfactory to him and he might recommend for an extension of her probation if she did not rise to the standards he expected of her. The headmaster himself mentions this fact in his statements before various authorities to allege that it was because of this that she joined a conspiracy by the management to harass him. He further alleged that the management had asked him to pay a donation of Rs 5,000 to the school if he wanted to be made the headmaster, which he refused. Hence, the charges were "cooked up" against him. Moreover, according to him, he had implemented a court decision on admission of students which was unpalatable to the management.

In the verdict that is still being talked about in legal and political circles, Justice Sukumaran expressed surprise at the speed with which files had moved in this case when "many other revision petitions have their soothing slumber in the secretariat chamber".

The education minister is pained that the High Court should have come to such conclusions about his action. Said he: "I have no complaints against the court. All the same, the remarks of the court were surprising". In the first place, he had not been impleaded in the case at all, though the affidavit of the petitioner probably mentioned that the minister had intervened to stay the manager's orders. In the second place, the so-called stay order was infructuous when the court gave the verdict. The legal advice the minister had obtained since the court verdict was that

action either. Though his order was recorded on September 19, the government order was issued only on the 26th, though normally such stay orders could have been communicated within an hour.

As soon as the government received the report of the officers of the education department that there was a prima facie case, which called for detailed inquiry and that the government need not intervene at this stage, the government had ordered the vacation of the stay. That order on December 15 was communicated to the High Court also through a teleprinter message. According to the minister's information, the teleprinter message was produced before the court long before the verdict was given. At that time the court directed that a memo should be filed and it was also done. Yet, the tone of the judgment was as if the order was still in force.

Jacob who had been to Cannanore district after the judgment was also piqued at the surmise that his order was prompted by the intervention of some party functionary. The education minister's office receives about 250 petitions on an average per day. Of course, it was impossible for him to remember who had brought the petition to the minister. His inquiries at Cannanore showed that no party functionary had taken up the case, though some of them were approached by the teacher. They had refused to intervene as a church-run institution was involved.

Said Jacob: "A basic issue cannot be lost sight of. A large number of transfers of government officers, be they of the police, PWD or the education department, have been stayed by the High Court. The court may have its own reasons. But how could an administration work under such circumstances?"

What next? The departmental inquiry has to be conducted and a decision on the 'misbehaving teacher' has to be taken within six months. Only then would the public know the truth, at least part of it, if not the whole truth. The minister, if he wants, can appeal to the division bench to get the remarks about him expunged. If he does not, the question why the relevant government files were not produced before the court—a fact mentioned in the verdict—will remain unanswered. Apart from this aspect, legal circles are surprised that the minister chose to answer the charge of unusual speed with a statement that the courts on their part issued stay orders even faster.

—P. ARAVINDAKSHAN and
MAXWELL FERNANDEZ



No compliments of the season. Jacob

there had been clear Supreme Court rulings about strictures against a party not impleaded in a case. That aspect was being examined further, Jacob said.

Jacob's contention was that he had done only what any minister was bound to do in the normal course in a democratic set-up. He had received the petition from a teacher with 30 years of service and a 'good record' that he was being harassed for refusing a donation to the manager as a consideration for his rightful promotion as headmaster. His note on the file was: "Examine and put up immediately. Further action may be kept in abeyance till the disposal of the petition." The government order which was issued seven days after his noting on the file had of course said that the manager's action was stayed. But it had not asked for any reinstatement of the teacher. There was no undue haste in taking