

Refusal to teach English subject: "Plaintiffs filed suit to claim their rights, says witness"

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The plaintiffs (from right) Rusiah, Calvina and Nur Natasha before the proceedings.

KOTA KINABALU: A witness in the suit trial of three former secondary students in Kota Belud who sued a teacher, the Government, Education Minister and two others for refusing to teach the English subject to the students three years ago, said they filed the suit because they wanted to claim their rights for not getting proper education for English subject while they were in Form 4. Rusiah Sabdarin, 21, who is the first plaintiff, had testified that she and her friends had complained about the teacher named Mr JJ, who did not enter their class for English subject, to their principal and classroom teacher at the time but no action had been taken by the school and that they proceeded with filing the suit. Rusiah together with two other plaintiffs namely, Nur Natasha Allisya Hamali and Calvina Angayung, both aged 21, had named the teacher Mohd Jainal Jamrin (Mr JJ), Hj Suid Hj Hanapi (in his capacity as principal of SMK Taun Gusi), Director General of Education, Minister of Education and the Government of Malaysia as the defendants.

Among others, they claimed that the teacher had failed to turn up in class to teach the subject for seven months in 2015 while the other defendants took no reasonable action despite being notified of the matter. According to Rusiah, who was not represented, there was no extra class or tuition for English subject given to them while they were in Form 4 even though they had requested for it. She further said she herself had complained the matter to the school for three times but there was still no action being taken. Rusiah, the third witness, informed the court that she failed in her English subject while she was in Form 4 because the absence of the teacher in the classroom and she did her own effort for the subject but there were some formats she did not understand. She told the court that her SPM result for English subject was Grade B as her English teacher Nurhaizah had taught her well in the subject and always entered their class.

To a question from the court, Mr JJ did not teach her in English subject while she was in Form 5. Her result for STPM exam in MUET was Band 3 and she said it was because the teacher, Cikgu Junaidin, was also a good teacher for her as he taught her in English speaking and so on. Rusiah further testified that after Form 6, she did not further her studies as she wanted to work and now she wished to continue her studies but had yet to decide what field she wanted to take up. Earlier before the trial started, the plaintiffs made two applications for adjournment of the trial because the two prospective counsels to represent them were unable to make it for them as they were preoccupied in October and November but the court decided to proceed for it. In making the decision, the court said that from the court's record, Messrs Roxana and Co was still on record as advocates for the plaintiffs. "Discharging and appointment of counsel is a matter between the plaintiffs and their advocates. Your lawyers were not present today (Thursday) even though ample time had been given for them to make an application to withdraw as the plaintiffs' advocates. "The trial date has been given long ago and in addition the court had allowed adjournment for the trial, but until today (Thursday) no formal application to discharge as advocates for the plaintiffs was filed and no reason given for failure to do so," said the court. The court ordered for the plaintiffs to proceed with the trial with self-representation. The plaintiffs had informed the court that they were very careful this time in choosing their counsel because they did not want a similar situation to happen again in future.

In reply, Senior Federal Counsel Mohd Hafizi Abd Halim, who acted for the defendants, earlier raised no objection to the plaintiffs' first adjournment application however after the court ordered for the trial to proceed, the defendants had objected to the second postponement application and prayed for the plaintiffs' claims be dismissed with costs. "Since they are not following the court's instruction to proceed with the trial today (Thursday), the defendants now objected to any further adjournment. The plaintiffs had actually prepared and served their witness statements, and therefore, they should be able to proceed with the matter," said Hafizi. Trial continues.