

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

Con.Case(C).No. 342 of 2015 (S) IN WP(C).30537/2014

AGAINST THE JUDGMENT IN WP(C) 30537/2014 of HIGH COURT OF KERALA
DATED 22.11.2014

PETITIONER/PETITIONER NO.1: -

SHIJUMON T.P., AGED 39 YEARS,
S/O PURUSHOTHAMAN, THACHETH HOUSE,
COCHIN UNIVERSITY P.O., SOUTH KALAMASSERRY,
ERNAKULAM-682022.

BY ADV.SRI.KALEESWARAM RAJ

RESPONDENT/RESPONDENT NO.2:

DAVID PETER,
FATHERSNAME AND AGE ARE NOT KNOWN TO THE PETITIONER,
REGISTRAR, COCHIN UNIVERSITY OF SCIENCE & TECHNOLOGY,
COCHIN UNIVERSITY P.O., KOCHI-682 022.

BY ADV.SRI.MILLU DANDAPANI, SC, COCHIN UNIVERSITY

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR
ADMISSION ON 29-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

APPENDIX

PETITIONER'S ANNEXURES :

- ANNEXURE I : COPY OF THE JUDGMENT DATED 22.11.2014 IN W.P. ©
No. 30537/2014.
- ANNEXURE II : COPY OF THE JUDGMENT DATED 24.10.2014 IN W.P. (C)
No. 29072/2011.
- ANNEXURE III : COPY OF THE LAWYER NOTICE DATED 20.12.2014 ISSUED
THROUGH COUNSEL.
- ANNEXURE IV : COPY OF THE LAWYER NOTICE DATED 10.1.2015.

RESPONDENT'S ANNEXURE : NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

DAMA SESHADRI NAIDU, J.

Cont. Case (c) No. 342 of 2015

Dated this the 29th day of July, 2015

JUDGMENT

Pursuant to the notification dated 30.12.2008, when the respondent University conducted a written test to select suitable candidates for the post of Sweeper/Cleaner, the petitioners, being successful, had their names reflected in the selection short list. Later, owing to the subsequent developments, the selection process has not been proceeded with further. Complaining of inordinate delay, the petitioners have approached this Court.

2. When the matter was taken up for consideration, the learned counsel for the respondent has brought to my notice that the issue raised by the petitioners in the writ petition already stood redressed in Annexure II judgment dated 24.10.2014 in W.P. (C) No. 29072/2011. In the said judgment this Court directed the second respondent University to proceed with the selection process that was initiated pursuant to notification for appointment to the post

of Sweeper/Cleaner in the respondent University. In fact, this Court has further observed that as considerable time has elapsed since the date of the said notification, the respondent University should take steps to complete the selection process and make appointments within a period of three months from the date of receipt of a copy of the judgment.

3. Incorporating the operative portion of Annexure II judgment, this Court disposed of W.P. (C) No. 30537/2014 filed by the petitioners to the following effect:

“In the light of the above pronouncement, I do not see any cause surviving in this matter for consideration. Accordingly, this writ petition is closed holding that the grievance of the petitioners stands redressed.”

4. The petitioners, complaining of delay on the part of the respondent University in completing the selection process, as has been mandated in Annexure II judgment, which, in fact, has been followed in Annexure I judgment, filed the present contempt case.

5. The learned Standing Counsel for the respondent University has submitted that the University has entrusted the task of completing the selection process to an

independent agency so as to avoid any allegations of malpractices. He has further submitted that the selection process is well under way. The learned Standing Counsel has also further submitted that as regards the time fixed in Annexure II judgment, the respondent University has already obtained extension of time by four months, and that it has also filed another application seeking further extension, and it is yet to be heard.

In the facts and circumstances, I am satisfied with the explanation given by the respondent. Consequently, I am to hold that there is no willful disobedience on the part of the respondent in complying with the directions given in Annexure II judgment, even it were to be assumed that the same conditions as contained in Annexure II judgment deemed to have been incorporated in Annexure I judgment, inasmuch as Annexure I judgment has been rendered entirely based on Annexure II judgment.

Accordingly, the Contempt case stands closed.

**DAMA SESHADRI NAIDU
JUDGE**

DMR/-