

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 26TH DAY OF OCTOBER 2015/4TH KARTHIKA, 1937Q

W.P.(C).No.1295 of 2009 (D)

PETITIONER(S):-

DR.V.JAYAPRAKASH,
PRO-VICE-CHANCELLOR, KERALA UNIVERSITY,
RESIDING AT REVATHY PRA 10E
KANNAMOOLA, VANCHIYOOR P.O. THIRUVANANTHAPURAM.

BY ADVS.SRI.K.RAMAKUMAR (SENIOR ADVOCATE)
SRI.T.RAMPRASAD UNNI
SRI.J.R.PREM NAVAZ
SRI.S.SREEKUMAR (ADUKKATH)
SRI.MANU TOM.

RESPONDENT(S):-

1. THE SYNDICATE OF THE COCHIN UNIVERSITY OF SCIENCE AND TECHNOLOGY, KOCHI, REPRESENTED BY THE REGISTRAR.
2. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF HIGHER EDUCATION, THIRUVANANTHAPURAM.
3. THE ENQUIRY COMMISSION APPOINTED BY THE
COCHIN UNIVERSITY OF SCIENCE AND TECHNOLOGY FOR
CONDUCTING AN ENQUIRY INTO THE IRREGULARITIES
REPRESENTED BY SRI C.KHALID, DISTRICT JUDGE (RETD).
M.M. ROAD, TATAPURAM, ERNAKULAM.
4. THE UNIVERSITY OF KERALA,
THIRUVNANTHAPURAM, REPRESENTED BY ITS REGISTRAR.

R1 BY STANDING COUNSEL SRI.MILLU DANDAPANI.
R2 BY GOVERNMENT PLEADER SMT.ALOWSY.
R4 BY ADV.SRI.BECHU KURIAN THOMAS [SENIOR ADVOCATE]
R4 BY ADV. SRI.M.RAJAGOPALAN NAIR, SC,KERALA UTY.
R4 BY ADV. SRI.GEORGE POONTHOTTAM, SC,KERALA UTY.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 TRUE COPY OF NOTICE DATED 13.02.2008 ISSUED BY THE
 COMMISSION TO THE PETITIONER.
- EXT.P2 TRUE COPY OF THE ENQUIRY REPORT DT.30.07.2008 SUBMITTED
 BY THE COMMISSION OF INQUIRY BEFORE THE CUSAT.
- EXT.P3 TRUE COPY OF THE RECOMMENDATIONS OF THE SUB COMMITTEE
 OF THE SYNDICATE CONSTITUTED TO STUDY JUSTICE KHALID
 COMMISSION REPORT BY THE KERALA UNIVERSITY.

RESPONDENT'S EXHIBITS:-

NIL.

Vku/

[true copy]

K. Vinod Chandran, J

W.P.(C).No.1295 of 2009-D

Dated this the 26th day of October, 2015

JUDGMENT

The issue is with respect to the findings in the Enquiry Report, produced at Exhibit P2. An enquiry was initiated, purportedly with respect to a tampering having been made of the answer-sheets of the MCQR papers of three students. The Enquiry Commission, by Exhibit P2, found that the petitioner and one other teacher were responsible for the same and also directed action to be taken. Exhibit P3 is the recommendation of the Sub-committee; however not with respect to the petitioner herein but with respect to the other teacher, who was found to have been involved in the said incident.

2. In any event, there would be absolutely no reason why this Court should go into the findings in the enquiry and if at all any action is to be taken by the Government or the University, necessarily the petitioner would have to defend it in such proceedings and such proceedings would be untrammelled by the findings of the Enquiry Commission. It is to be noticed that

the petitioner has already retired from the service. In such circumstance, nothing survives in the writ petition and the same would stand closed as infructuous, leaving open all contentions of the petitioner.

Sd/-

K.Vinod Chandran
Judge.

vkul/-

[true copy]