

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ANTONY DOMINIC
&
THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

FRIDAY, THE 29TH DAY OF MAY 2015/8TH JYAISHTA, 1937

W.A.No. 913 of 2015 () IN WP(C).34114/2014

AGAINST THE ORDER IN WP(C) 34114/2014 OF HIGH COURT OF KERALA DATED
10.04.2015

APPELLANT(S)/PETITIONER:

V.V. PRABHAKARAN,
S/O. LATE KANDANKODAN KUNHIRAMAN NAMBIAR, SECRETARY,
JANAKEEYA PRATHIKARANA VEDI, KANNUR, P.O. MUNDAYAD,
KANNUR DISTRICT - 670 594.

BY ADVS.SMT.K.V.BHADRA KUMARI
SMT.ANILA GEORGE
SRI. SAILESH SREEKUMAR P.

RESPONDENT(S)/RESPONDENTS:

1. THE SECRETARY,
DEPARTMENT OF GENERAL EDUCATION,
GOVERNMENT OF KERALA, THIRUVANANTHAPURAM - 695 001.
2. SATHYAVATHI P.P.,
TEACHER, MADRASSA SIRAJUL ULOOM, U.P. SCHOOL,
ANAYIDUKKU, KANNUR - 670 003.
3. ASSISTANT EDUCATIONAL OFFICER,
KANNUR (NORTH), KANNUR DISTRICT.

R1 & R3 BY SR. GOVERNMENT PLEADER, SRI.M.A.FAYAZ
R2 BY ADV. SRI.V.R.KESAVA KAIMAL

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 29-05-2015, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:

P.T.O.

W.A.NO.913 OF 2015

APPENDIX

APPELLANT'S EXHIBITS:

**ANNEXURE-1 TRUE COPY OF RELEVANT PAGES OF THE DISCHARGE
CERTIFICATE OF THE APPELLANT ISSUED BY INDIAN ARMY.**

RESPONDENTS' EXHIBITS: NIL

//TRUE COPY//

P.S. TO JUDGE

St/-

**ANTONY DOMINIC
&
SHAJI P. CHALY, JJ.**

W.A.No.913 OF 2015

Dated this the 29th day of May, 2015

JUDGMENT

Antony Dominic, J.

In Writ Petition (C) No.34114 of 2014 filed by the appellant, questioning the appointment of the 2nd respondent herein as U.P.S.A., the learned Single Judge passed an order dated 10.04.2015, directing an enquiry. It is challenging this order, the appeal is filed.

2. We heard the learned counsel for the appellant, the learned Government Pleader and the learned counsel appearing for the party respondent.

3. The appellant filed the writ petition contending that the appointment of the party respondent is illegal and on that basis, sought a prayer to direct consideration of Ext.P1 complaint. In the pleadings, bonafides of the appellant, who is a third party, was questioned. The learned Judge called for a report from the A.E.O, which prima facie showed that there was no substance in the complaints raised in the writ petition.

It was thereafter the learned Single Judge passed the order impugned directing that a police enquiry be conducted into the conduct of the appellant and also whether there is any person behind the appellant. It is also ordered that the possibility of conspiracy with any other person and also his antecedents should be enquired into.

4. Though we heard the learned counsel for the appellant at length, we are not satisfied that the order calls for any interference. According to us, the order was necessitated in view of the allegations raised by the party respondent questioning the bonafides of the appellant. According to us, once the enquiry is conducted and allegations raised against the appellant are found to be unfounded, that will only add credibility to the case pleaded by the appellant. In such circumstances, we see no reason why the petitioner, who represents an organization and is also said to be a public spirited person, should resist an enquiry against him. Of course, it is the complaint of the appellant that the order will be misused and he will be harassed. But this complaint is apprehensive in nature. Further, we see no reason why in an enquiry to be conducted against the appellant, he should be

harassed for any reason. In any case, if there is any real harassment as apprehended, it is always open to the appellant to bring it to the notice of the learned Single Judge and we are sure that the learned Single Judge himself will pass appropriate orders to safeguard the interest of the appellant.

The writ appeal fails and it is accordingly dismissed.

Sd/-

**ANTONY DOMINIC
JUDGE**

Sd/-

**SHAJI .P. CHALY
JUDGE**

//true copy//

P.S. to Judge

St/-