

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

MONDAY, THE 27TH DAY OF JULY 2015/5TH SRAVANA, 1937

WA.No. 1623 of 2015 IN WP(C).18666/2015

AGAINST THE ORDER IN I.A. No. 9769 OF 2015 IN WP(C) 18666/2015
DATED 14/07/2015
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APPELLANT/RESPONDENT NO.3 :

KERALA STATE COUNCIL FOR SCIENCE , TECHNOLOGY & ENVIRONMENT
SASTHRA BHAVAN, PATTOM PO.THIRUVANANTHAPURAM-695 004
REPRESENTED BY ITS EXECUTIVE VICE PRESIDENT

BY ADV. SRI.GEORGE ZACHARIAH,SC,KSCSTE

RESPONDENTS/RESPONDENT NOS. 1,2 & 4 :

1. DR C THANGRAJ
25/71, E.S.K. NAGAR, RAJAPALAYAM
VIRUTHUNAGAR DISTRICT, TAMILNADU-626 117
2. STATE OF KERALA
REPRESENTED BY ITS PRINCIPAL SECRETARY
SCIENCE& TECHNOLOGY DEPARTMENT, GOVT. SECRETARIATE
THIRUVANANTHAPURAM
3. CENTRE FOR WATER RESOURCE DEVELOPMENT AND MANGEMENT
KUNNAMANGALAM, KOZHIKODE
4. DR. SURESH DAS
S/O KESHAV GOPAL DAS
WORKING AS EXECUTIVE VICE PRESIDENT TO THE
KERALA STATE COUNCIL FOR SCIENCE
TECHNOLOGY, AND ENVIRONMENT, SASTRA BHAVAN
PATTOM POTHIRUVANANTHAPURAM, PIN 695 004

R1 BY ADV.SRI.ELVIN PETER P.J.

R2 & R3 BY SR.GOVERNMENT PLEADER, SRI.P.I. DAVIS.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 27-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ASHOK BHUSHAN, C.J. & A.M. SHAFFIQUE, J.

W.A. No. 1623 OF 2015

Dated this the 27th day of July, 2015

JUDGMENT

Ashok Bhushan, C.J.

This appeal has been filed against the order dated 14.07.2015 by which the learned Single Judge has dismissed I.A. No.9769 of 2015 filed by the appellant who was the 3rd respondent in the writ petition. The appellant had filed the Interlocutory Application praying that the question of maintainability of the writ petition is to be the preliminary issue.

2. In the writ petition the petitioner has prayed for the following reliefs:

“i. To issue a writ of certiorari or any other appropriate writ, order or direction, calling for the records leading to Ext.P8 and to quash the same;

ii. To issue a writ of mandamus or any other appropriate writ, order or direction, directing the respondents to appoint the petitioner to the post of Executive Director in C.W.R.D.M. Forthwith;

iii. To issue an injunction against the respondents restraining them from taking any steps to notify the vacancy of the post of Executive Director of C.W.R.D.M.”

3. The 3rd respondent is an autonomous body under the Government of Kerala which is funded 100% by the State Government. The learned Single Judge meticulously considered each submissions raised by the petitioner in the Interlocutory Application on the question of maintainability of the writ petition and has given some cogent reasons for rejecting the submissions. Learned Single Judge has held that there is absolutely no merit in the question of maintainability raised by the 3rd respondent. While rejecting the application, the learned Single Judge has also imposed cost of Rs.5,000/- which the petitioner was directed to pay to the Kerala State Legal Services Authority.

4. On the merits of the contentions which have been raised by learned counsel for the appellant before learned Single Judge, we do not have any other opinion, as learned Single Judge was perfectly justified in taking the view that no issue of maintainability is raised. From the perusal of the prayers in the writ petition, we are of the opinion that all the prayers require consideration of facts and decision thereon. There was no such

issue on which the question regarding maintainability could have been asked to be decided as the preliminary issue.

We thus confirm the order of learned Single Judge, however, looking to the fact that the appellant is an autonomous body 100% funded by Government, we direct the appellant to pay a nominal amount of Rs.1,000/- (Rupees one thousand only) to the Kerala State Legal Services Authority. The appeal is disposed of accordingly. The appellant shall deposit the amount within a week from today.

**Ashok Bhushan,
Chief Justice.**

**A.M. Shaffique,
Judge.**

WA No. 1623 of 2015

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