

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 7TH DAY OF DECEMBER 2015/16TH AGRAHAYANA, 1937

WA.No. 1983 of 2015 IN WP(C).13528/2015

AGAINST THE JUDGMENT IN WP(C) 13528/2015 DATED 03-08-2015

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APPELLANTS/RESPONDENTS IN WPC :

1. SPICES BOARD
REPRESENTED BY ITS CHAIRMAN, SUGANDHA BHAVAN
NH BYEPASS, PALARIVATTOM PO, COCHIN-682025.
2. CHAIRMAN
SPICES BOARD, SUGANDHA BHAVAN, NH BYEPASS
PALARIVATTOM PO, COCHIN-682025.
3. SECRETARY, SPICES BOARD,
SUGANDHA BHAVAN, NH BYEPASS, PALARIVATTOM PO
COCHIN-682025.

BY ADVS.SRI.O.V.RADHAKRISHNAN (SR.)
SMT.K.RADHAMANI AMMA, SC, SPICES BOARD
SRI.ANTONY MUKKATH, SC, SPICES BOARD

RESPONDENT/PETITIONER IN THE WPC :

AMRUTHA M.GEORGE, AGED 28 YEARS
W/O.SRI.JOSE ANTONY
PRESENTLY WORKING AS ASSISTANT DIRECTOR
SPICES BOARD, ZONAL OFFICE, KOHIMA
RESIDING AT CHACKIATH HOUSE, KOONAMMAVU
ERNAKULAM DISTRICT-683 518.

R1 BY ADV. SRI.G.SHRIKUMAR (SR.)
R1 BY ADV. SRI.R.SANJITH
R1 BY ADV. SMT.C.S.SINDHU KRISHNAH

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 07-12-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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

W.A. No. 1983 OF 2015

Dated this the 7th day of December, 2015

JUDGMENT

Shaffique, J.

This appeal has been filed by respondents 1 to 3 in W.P.(C) No.13528 of 2015 challenging the judgment dated 03.08.2015 in which the learned Single Judge allowed the writ petition filed by the respondent herein.

2. The writ petition was filed seeking to quash the notice issued by the appellants alleging that by submitting an application under the Right to Information Act the writ petitioner had made certain allegations against superior officers which amount to misconduct. The learned Single Judge quashed the said proceedings based on the finding that the said allegation does not amount to misconduct and there is no reason to proceed with the same.

3. We have heard learned Senior Counsel for the appellant, Sri.O.V. Radhakrishnan and learned Senior Counsel Sri.G. Sreekumar appearing on behalf of the writ petitioner.

4. During the course of the proceedings of the appeal, the respondent has filed an affidavit dated 04.12.2015 before this Court and in paragraph 4 it stated as follows:

"4. However, in the course of arguments in the above Writ Appeal on 03.12.2015, I am given to understand that there is no requirement for giving any reasons while seeking information under Right to Information Act. In such circumstances, I hereby withdraw the statements/reasonings given by me in application dated 13.02.2015 under the Right to Information Act, without prejudice to my contentions in W.P.(C) No.19650 of 2015 challenging rank list of selection process in question."

5. The averments in the affidavit extracted above clearly indicate that the writ petitioner has withdrawn the statements made, in the application under the Right to Information Act which was the subject matter of the show cause notice issued against her.

6. Having gone through the factual matters relating to the case and having heard learned counsel on either side especially on account of the subsequent development in the matter relating to the above appeal wherein the petitioner had come up with a clear indication that she has withdrawn the

statement made in the application, which formed the subject of misconduct we do not think that there is any necessity to consider the issues raised in the writ petition on merits.

7. Learned Senior Counsel appearing for the appellants submits that in view of the affidavit filed by the writ petitioner, the management does not intend to proceed further with the disciplinary proceedings against the writ petitioner.

Accordingly, we close this writ appeal and it is made clear that the merits of the issues raised in the appeal have not been considered by us.

**Ashok Bhushan,
Chief Justice.**

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

WA No. 1983 of 2015

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