

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE SMT. JUSTICE P.V.ASHA

FRIDAY, THE 5TH DAY OF JUNE 2015/15TH JYAISHTA, 1937

WP(C).No. 4131 of 2013 (N)

PETITIONERS:

1. KERALA MEDICO LEGAL SOCIETY
REPRESENTED BY ITS SECRETARY DR. HITHESH SANKER T.S.
AGED 43 YEARS, S/O. T.M.SANKARANARAYANAN
RESIDING AT TOTTUNGAL HOUSE, KOZHIKKUNNU
MULAMGUNNATHUKAVU P.O., THRISSUR, PIN 680596.

2. DR. P.B.GUJARAL AGED 48 YEARS
S/O. P.K.BALAN, RESIDING AT 18/207, SOUPARNIKA
BEHIND CIVIL STATION, PALAKKAD-1.

BY ADVS.SRI.A.JAYASANKAR
SRI.MANU GOVIND
SRI.JOPHY POTHEEN KANDANKARY

RESPONDENTS:

1. THE GOVERNMENT OF KERALA
REPRESENTED THE CHIEF SECRETARY, SECRETARIAT
TRIVANDRUM-695001.

2. THE DIRECTOR OF HEALTH SERVICES
THIRUVANANTHAPURAM-695037.

3. THE DIRECTOR OF MEDICAL EDUCATION
DIRECTORATE OF MEDICAL EDUCATION
MEDICAL COLLEGE P.O., THIRUVANANTHAPURAM-695011.

4. THE PRINCIPAL SECRETARY TO GOVERNMENT
DEPARTMENT OF HOME, SECRETARIAT
THIRUVANANTHAPURAM-695011.

5. THE SECRETARY TO GOVERNMENT
HEALTH & FAMILY WELFARE DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM-695001.

SRI.RAFEEL V.K., GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
05.06.2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

RKC

APPENDIX

PETITIONERS' EXHIBITS

EXHIBIT P1- COPY OF REPRESENTATION DATED 08-05-2008 FROM THE SECRETARY, KERALA MEDICO LEGAL SOCEITY TO THE MINISTER FOR HEALTH & FAMILY WELFARE DEPARTMENT.

EXHIBIT P2- COPY OF THE LETTER NO. 20023/S2/08/H & FWD DATED 20-05-2008 FROM THE 5TH RESPONDENT TO THE 1ST PETITIONER.

EXHIBIT P3- COPY OF THE LETTER DATED 30-5-2008 FROM THE 1ST PETITIONER TO THE 5TH RESPONDENT.

EXHIBIT P4- COPY OF THE CIRCULAR NO. MR 71814/09/DHS DATED 18-9-2009.

EXHIBIT P5- COPY OF THE COVERING LETTER DATED 1-2-2010.

EXHIBIT P6- COPY OF COMMUNICATION NO. 34044/S2/09 H&FWD DATED 11-3-2010.

EXHIBIT P7- COPY OF THE COVERING LETTER DATED 22-4-2010 AND SUGGESTIONS THEREOF FROM THE ADDITIONAL DIRECTOR OF THE KERALA JUDICIAL ACADEMY.

EXHIBIT P8- COPY OF COMMUNICATION MADE ON 10-06-2010 FROM THE KERALA JUDICIAL ACADEMY BY FAX ON 10-06-2010.

EXHIBIT P9- COPY OF THE ORDER NO. G.O.(MS)NO. 232/11/HOME DATED 22-10-2011.

EXHIBIT P10- COPY OF THE COMMUNICATION NO. 43287/K2/12/HOME DATED 1-6-2012.

EXHIBIT P11- COPY OF THE COMMUNICATION NO. EA1-44483/2012/DHS DATED 13-6-2012.

RESPONDENTS' EXHIBITS: NIL

RKC

TRUE COPY

PA TO JUDGE

P.V.ASHA, J.,

W.P.(C) No.4131 of 2013

Dated this the 5th day of June, 2015

JUDGMENT

The petitioners have approached this Court seeking the following reliefs:

- "1. *Issue a writ in the nature of mandamus or any other appropriate writ, direction or order commanding the respondents to make an effective and meaningful circulation of the Kerala Medico-legal Code as ordered in Ext.P9 (1500 copies printed and supplied to the Director of Health Services, 200 copies supplied to Director of Medical Education) and*
2. *Issue a writ in the nature of mandamus or any other appropriate writ, direction or order commanding the respondents to constitute a committee strictly as per Clause 44 of Kerala Medico-Legal Code published vide Ext.P9, for periodic revision of the code; in the interest of justice."*

2. The learned counsel for the petitioners submits that the first relief sought for does not exist for consideration, as there was a circulation, as requested by them, of the Kerala Medico Legal Board.

3. Regarding the 2nd relief, for a direction to constitute

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:2:

the Committee as per clause 44 of the Kerala Medico Legal Code, the learned Government Pleader has made available a copy of G.O.(Rt) No.3232/2012/Home dated 2.11.2012 constituting a Committee as envisaged under Clause 44 of Section D of the General Guidelines for Examination and Certification of Medico-Legal Cases.

In the light of the above, no further orders are necessary in this case.

Accordingly the writ petition is closed.

Sd/-

**P.V.ASHA,
JUDGE.**

rkc