

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 22ND DAY OF JANUARY 2015/2ND MAGHA, 1936

WP(C).No. 1897 of 2015 (J)

PETITIONER(S):

**S.BABU AGED 50 YEARS
S/O. P.SUKUMARAN, NANDANAM EDAVACODE, ANR 116
SREEKARYAM P.O., TRIVANDRUM 69 017
WORKING ASSOCIATE PROFESSOR AND HOD MATHEMATICS DEPARTMENT
UNIVERSITY COLLEGE, TRIVANDRUM**

BY ADV. SRI.M.S.RADHAKRISHNAN NAIR

RESPONDENT(S):

- 1. THE PRINCIPAL, UNIVERSITY COLLEGE
TRIVANDRUM-69034**
- 2. N.M.BABU, ASSISTANT PROFESSOR
DEPARTMENT OF ENGLISH, UNIVERSITY COLLEGE
TRIVANDRUM-695 034**
- 3. NEERAJA VIJAYAN, POROGRAMME MANAGER
ASAP MISSION, HIGHER EDUDUCATION DEPARTMENT
TRANSPOWER VAZHUTHACAUD, TRIVANDRUM-695 0143**
- 4. PREETHA A., SENIOR PROGRAMME MANAGER
ASAP MISSION TRANS POWR MANAGER, VAZHUTHACAUD
TRIVANDRUM-695 0143**

**R BY GOVERNMENT PLEADER, SRI. JOSEPH GEORGE
BY STANDING COUNSEL D.P. RENU**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
22-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1: TRUE COPY OF THE RELEVANT PORTION OF THE COMPLAINT
- EXHIBIT P2: TRUE COPY OF THE RELEVANT PAGES OF THE STATEMENT FILED BY 2ND RESPONDENT
- EXHIBIT P3: TRUE COPY OF THE PRELIMINARY LIST PUBLISHED IN THE COLLEGE NOTICE BOARD
- EXHIBIT P4: TRUE COPY OF THE FINL LIST OF STUDENTS SELECTED FOR ASAP PUBLISHED IN THE COLLEGE NOTICE BOARD.
- EXHIBIT P5: TRUE COPY OF THE RANK LIST OF THE STUDENTS OBTAINED FROM INFORMATION OFFICER OF THE UNIVERSITY COLLEGE
- EXHIBIT P6: TRUE COPY OF THE RANK LIST OF THE STUDENTS OBTAINED FROM INFORMATION OFFICER OF THE UNIVERSITY COLLEGE
- EXHIBIT P7: TRUE COPY OF THE G.O.(MS) 150/2014/H.EDN. DATED 27.3.2014
- EXHIBIT P8: TRUE COPY OF THE ORDER IN I.A.1577/2014 OF THE LOK AYUKTA
- EXHIBIT P9: TRUE COPY OF THE GUIDELINE ISSUED BY THE DEPARTMENT OF COLLEGE EDUCATION
- EXHIBIT P10: TRUE COPY OF TH REPLY GIVEN BY THE PETITIONER TO THE 1ST RESPONDENT
- EXHIBIT P11: TRUE COPY OF THE COMPLAINT DATED 25.11.2014 GIVEN BY THE SECRETARY OF THE COLLEGE UNION
- EXHIBIT P12: TRUE COPY OF THE FREPLY GIVEN BY THE 2ND RESPONDENT TO THE 1ST RESPONDENT
- EXHIBIT P13: TRUE COPY OF THE SELECTED CANDIDAED AFTER INTERVIEW DATED 31.10.2014
- EXHIBIT P14: TRUE COPY OF TH G.O.(RT) NO.1707/2013/H.EDN DATED 17.8.2013

RESPONDENT(S)' EXHIBITS

NIL

// True copy //

PA to Judge

P.R. RAMACHANDRA MENON, J.

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Dated this the 22nd day of January, 2015

JUDGMENT

Petitioner has approached this Court with the following prayers:

- “i) Issue an appropriate orders to quash Ext.P8 order of the Lok Ayukta.
- ii) Issue appropriate order to rehear IA No.1577/14 in complaint No.1644/14 after giving an opportunity to the petitioner for filing a reply with necessary documents.
- iii) Issue appropriate order to stay all further proceedings pursuant to Ext.P3 and P4 select list till the final disposal of the complaint filed by the petitioner.”

2. Heard the learned counsel for the petitioner as well as the learned Standing Counsel appearing for the respondents.

3. It appears that the petitioner moved the 'Upa Lok Ayukta' by filing a complaint raising some allegations in respect of selection of students for the Additional Skill Acquisition Programme (ASAP), which according to the petitioner not in tune with relevant guidelines. It is also

pointed out that after considering the complaint, an interim order of stay was granted, as sought for from the part of the petitioner. Subsequently, the interim order came to be varied and vacated as per Ext.P8 order dated 08.01.2015, correctness of which is under challenge in this writ petition.

4. After hearing both the sides and after going through the pleadings and proceedings, this Court finds that 'Upa Lok Ayukta' granted the interim relief to subserve the main relief and subsequently, on finding that the said interim order was not needed to be continued any further, it has been vacated as per Ext.P8 order. This is well within the discretionary jurisdiction of the 'Upa Lok Ayukta', which does not require interference by this Court, invoking the discretionary jurisdiction under Article 226. If the petitioner is having a grievance to the effect that the 'Upa Lok Ayukta' has gone wrong, considering some material aspects or if there is any error

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apparent on the face of records, it is always open to the petitioner to move the 'Upa Lok Ayukta' by way of appropriate proceedings, with regard to which, no opinion is expressed by this Court, touching the merits or other relevant aspects.

Interference is declined. The writ petition is dismissed without prejudice to the rights and liberties of the petitioner as aforesaid.

Sd/-
P.R. RAMACHANDRA MENON
JUDGE

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