

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 13TH DAY OF FEBRUARY 2015/24TH MAGHA, 1936

WP(C).No. 4629 of 2015 (C)

PETITIONER :

**SAMEELA.P, AGED 29 YEARS,
D/O. BEERANKUTTY, PUTHUPADAM, KUNDUTHODU,
ERANJIKODE, EDAVANNA, MALAPPURAM DISTRICT.**

**BY ADVS.SRI.P.SAMSUDIN
SRI.K.C.ANTONY MATHEW
SRI.JITHIN LUKOSE**

RESPONDENT(S):

- 1. THE DIRECTOR, AKSHAYA,
THIRUVANANTHAPURAM- 695 001**
- 2. MOHAMMED BASHEER,DISTRICT SECRETARY,
AKSHAYA DISTRICT PROJECT OFFICE AND
STATE LEVEL FIELD OFFICE ,
DISTRICT PANCHAYATH BHAVAN, CIVIL STATION,
MALAPPURAM- 676 505**
- 3. DISTRICT SECRETARY,
AKSHAYA DISTRICT PROJECT OFFICE AND STATE LEVEL
FIELD OFFICE, DISTRICT PANCHAYATH BHAVAN,
CIVIL STATION, MALAPPURAM- 676 505**
- 4. STATE OF KERALA,
REPRESENTED BY SECRETARY TO INFORMATION TECHNOLOGY
DEPARTMENT, GOVT. SECRETARIAT, THIRUVANANTHAPURAM-695 001**
- 5. NOUFAL, S/O.HUSSAN BAPPU, KANJIRALA HOUSE, PERAKAMANNA,
OTHAYI-676 541, EDAVANNA, MALAPPURAM DISTRICT.**

R1,R3 & R4 BY SR GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 4629 of 2015 (C)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1: TRUE COPIES OF THE CERTIFICATE OF THE PETITIONER**
- EXHIBIT P2: TRUE COPY OF THE PANCHAYATH LICENSE ISSUED TO THE PETITIONER**
- EXHIBIT P3: TRUE COPY OF THE GOVERNMENT ORDER (GO MS 17/2007) DATED 31.7.2007**
- EXHIBIT P4: TRUE COPY OF THE APPLICATION SUBMITTED ON BEHALF OF THE PETITIONER UNDER RTI ACT AND THE REPLY GIVEN BY THE PUBLIC INFORMATION OFFICER OF THE 2ND RESPONDENT**
- EXHIBIT P5: TRUE COPY OF THE RANK LIST AKSHAYA ENTREPRENEURS FOR MALAPPURAM DISTRICT PUBLISHED BY THE 2ND RESPONDENT DATED 2.12.2014**
- EXHIBIT P6: TRUE COPY OF THE OBJECTION DATED NIL SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

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P.R. RAMACHANDRA MENON, J.

W.P.(C) No.4629 of 2015

Dated this the 13th day of February, 2015

JUDGMENT

The grievance of the petitioner is with regard to the ranking of the 5th respondent over and above the petitioner in Ext.P5, in relation to the starting of Akshaya Center at Othayi, Ernad Taluk in Malappuram District.

2. The petitioner is a Graduate having requisite qualification in Computer as well and is running an institution on the strength of Ext.P2 licence issued by the concerned local authority for the past ten years. Pursuant to the notification issued by the concerned authority, the petitioner preferred an application for starting the Akshaya Center and produced documents to prove all her credentials. In spite of the fact that the 5th respondent does not have any qualification in Computer, the petitioner, who is qualified, experienced and is having possession of own premises, has been pushed down and the 5th respondent has been placed above the petitioner, purely based on extraneous considerations

and hence the challenge. It is also brought to the notice of this Court that, the petitioner as already moved before the 3rd respondent by filing Ext.P6 and the delay in considering the same made the petitioner to approach this Court by filing the writ petition.

3. Heard the learned Government Pleader as well.

4. Considering the fact that the issue is pending consideration before the 3rd respondent, this Court finds it fit and proper to cause the said representation to be considered and disposed of, within a reasonable time. As such, no merits do require to be considered by this Court and no notice does require to be issued to the 2nd and 5th respondents.

5. Accordingly, the writ petition is disposed of, directing the 3rd respondent to consider and pass appropriate orders on Ext.P3, after hearing both the sides, including the petitioner and the 5th respondent, as expeditiously as possible, at the earliest, at any rate, within 'six weeks' from the date of receipt of a copy of this judgment. Further proceedings pursuant to Ext.P5 shall be kept

in abeyance till such time.

Petitioner shall produce a copy of this judgment, along with a copy of the writ petition, before the 3rd respondent, for further steps.

**P.R. RAMACHANDRA MENON,
JUDGE**

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