

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 18TH DAY OF FEBRUARY 2015/29TH MAGHA, 1936

WP(C).No. 5107 of 2015 (K)

PETITIONER(S):

**A. SALAHUDIN, AGED 47 YEARS,
S/O.MUHAMMED, NOOR MAHAL VEEDU,
EDAVANNA P.O. - 676 541,
MALAPPURAM DISTRICT.**

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

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO
INFORMATION TECHNOLOGY DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001.**
- 2. THE DIRECTOR,
AKSHAYA STATE PROJECT OFFICE, KOCHUMADATHIL BUILDING,
MANJAKKULAM ROAD, THIRUVANANTHAPURAM - 695 036.**
- 3. THE DIRECTOR,
KERALA STATE IT MISSION, VELLAYAMBALAM,
THIRUVANANTHAPURAM - 695 014.**
- 4. DISTRICT SECRETARY,
AKSHAYA DISTRICT PROJECT OFFICE AND STATE LEVEL FIELD OFFICE ,
DISTRICT PANCHAYATH BHAVAN, CIVIL STATION,
MALAPPURAM - 676 505.**

BY SENIOR GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
18-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1 - TRUE COPY OF THE RESOLUTION PASSED BY THE EDAVANNA GRAMA
PANCHAYATH DATED 06-11-2007.**

**EXT.P2- TRUE COPY OF THE COMMUNICATION DATED 04-12-2007 ISSUED BY THE
4TH RESPONDENT TO THE PETITIONER.**

**EXT.P3 - TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER
BEFORE THE 4TH RESPONDENT DATED 20-02-2010.**

EXT.P4 - TRUE COPY OF THE PANCHAYATH LICENSE DATED 03-09-2012.

**EXT.P5 - TRUE COPY OF THE TAX RECEIPTS FOR THE YEAR 2009-2010 AND
2013-2014.**

**EXT.P6 - TRUE COPY OF THE COMMUNICATION DATED 23-12-2013 BY THE
2ND RESPONDENT.**

**EXT.P7 TRUE COPY OF THE REPRESENTATION DATED 21-1-2014 SUBMITTED BY
THE PETITIONER BEFORE THE 3RD RESPONDENT.**

**EXT.P8 - TRUE COPY OF THE GOVERNMENT ORDER (GO MS 17/2007)
DATED 31-07-2007.**

**EXT.P9 - TRUE COPY OF THE RANK LIST OF THE ENTREPRENEURS FROM
MALAPPURAM DISTRICT.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

P.R.RAMACHANDRA MENON, J.
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W.P.(C) No.5107 of 2015
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Dated this the 18th day of February, 2015

JUDGMENT

Selection of eligible persons to run Akshaya Centres at Edavanna in Malappuram District is the subject matter of the present writ petition. The case of the petitioner is that, despite having all the credentials the petitioner has been sidelined and the selection has been finalised as per Ext.P9 rank list excluding the petitioner and including ineligible candidates. It is stated that the process and procedure pursued by the concerned respondent are per se wrong and unsustainable in all respects, also being violative of Ext.P6 and hence the challenge.

2. Heard the learned Government Pleader as well.

3. After hearing both sides, this Courts finds that the grievance of the petitioner has already been projected by Ext.P7, which is pending consideration before the 3rd respondent.

4. In the said circumstance, there will be a direction to the 3rd respondent to pass appropriate orders in Ext.P7 in the light of Ext.P6 and such other relevant materials after affording an opportunity to the petitioner and also the affected parties, which shall be done at the earliest, at any rate, within 'one month' from the date of receipt of a copy of this judgment. The proceedings pursuant to Ext.P9 shall be subject to the orders to be passed by the 3rd respondent as aforesaid.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the concerned respondent for further steps.

Sd/-

P.R.RAMACHANDRA MENON, JUDGE

vdv