

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

WP(C).No. 5210 of 2015 (B)

PETITIONER(S):

**DAS K.K AGED 52 YEARS
S/O.ACHUTHAN EZHUTHASSAN (LATE), AGED 52 YEARS
KALATHUPADIKKAL HOUSE, PARUDUR POST, VIA PATTAMBI
PALAKKAD DISTRICT.**

**BY ADVS.SRI.SANTHEEP ANKARATH
SRI.ARUN MATHEW VADAKKAN**

RESPONDENT(S):

- 1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY
DEPARTMENT OF GENERAL EDUCATION
THIRUVANANTHAPURAM-695 001.**
- 2. PRESIDENT
STATE GENERAL COUNCIL
KERALA PRADESH SCHOOL TEACHER'S UNION
KPSTU ADYAPAKA BHAVAN, T.C.NO.25/2600, CHINMAYA LANE
KUNNUMPURAM, THIRUVANANTHAPURAM-695 001.**
- 3. SECRETARY
KERALA PRADESH SCHOOL TEACHER'S UNION
OTTAPALAM EDUCATION DISTRICT COMMITTEE
A.U.P.S. MALAMAKKAVU, MALAMAKKAVU P.O.-679 553
OTTAPALAM, PALAKKAD DISTRICT.**
- 4. SECRETARY
KERALA PRADESH SCHOOL TEACHER'S UNION
SUB DISTRICT COMMITTEE, PATTAMBI, MELEPATTAMBI-679 306
PALAKKAD DISTRICT.**

**R2 & R4 BY ADV. SRI.T.U.ZIYAD
R2 & R4 BY ADV. SMT.RAMEENA.P.K.
R1 BY SRI K.C. VINCENT, GOVERNMENT PLEADER**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1- COPY OF BYE-LAW OF KERALA PRADESH SCHOOL TEACHERS UNION WHICH IS IN FORCE AS ON DATE.**
- EXT.P2- COPY OF THE DETAILS OF ELECTED OFFICE BEARERS ALLEGEDLY ELECTED ON AN ELECTION CONDUCTED ON 10.1.2015 TO THE SUB DISTRICT COMMITTEE.**
- EXT.P3- COPY OF NOTICE DATED 18.1.2015.**
- EXT.P4- COPY OF COMPLAINT DATED 19.1.2015 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.**
- EXT.P5- COPY OF LETTER DATED NIL ISSUED TO THE PETITIONER.**

RESPONDENT(S)' EXHIBITS: N I L

//TRUE COPY//

P.A. TO JUDGE

JV

P.R. RAMACHANDRA MENON, J.

W.P.(C).No.5210 of 2015

Dated this the 5th day of March, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

- “(i) Call for the records leading to Exhibits P2 and P3 and quash Exhibits P2 and P3 by the issue of a writ of certiorari or other appropriate writ, order or direction;
- (ii) Issue a writ of mandamus or any other appropriate writ, order or direction directing the 2nd respondent to consider and take appropriate decision on Ext.P4 complaint within such short time as this Hon'ble Court may deem fit to grant;
- (iii) issue such other orders as are deemed fit and proper in the circumstances of the case.”

2. Pursuant to urgent notice on admission the party respondents have entered appearance. The learned counsel for the respondents submits that they are purely associations/unions of their own who do not come within the purview of the writ jurisdiction of this Court being private entities and further that, no public duty is involved so as to be remedied by invoking the power under Article 226.

After hearing both the sides, this Court finds considerable

force in the said submission. This Court holds that the writ petition is not maintainable and it is dismissed accordingly; however without prejudice to the rights and liberties of the petitioner to pursue other appropriate remedy.

SD/-
P.R. RAMACHANDRA MENON,
JUDGE

jv