

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 8TH DAY OF JANUARY 2015/18TH POUSHA, 1936

WP(C).No. 9117 of 2014 (L)

PETITIONER(S)/ACCUSED:-:

**BIJU T,
S/O.THANKAPPAN NAIR, MANIMANGALATHU HOUSE, KURALI P.O.
KOTTAYAM DISTRICT.**

BY ADV. SRI.V.K.SUNIL

RESPONDENT(S)/RESPONDENTS:-:

- 1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF HOME
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**
- 2. THE DIRECTOR GENERAL OF POLICE,
POLICE HEAD QUARTERS, THIRUVANANTHAPURAM.**
- 3. THE DISTRICT CHIEF OF POLICE,
KOTTAYAM.**
- 4. THE DETECTIVE INSPECTOR,
CBCID, KOTTAYAM.**
- 5. SASICHANDRAN,
S/O.KESAVAN, GURUMANDIRAM HOUSE, KOOTTICKAL
MUNDAKKAYAM, KOTTAYAM (FORMERLY THE HEAD CASHIER
STATE BANK OF TRAVANCORE, KANJIRAPPALLY BRANCH).**
- 6. DIRECTOR OF URBAN AFFAIRS,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**

**BY ADV. STATE ATTORNEY SRI. P. VIJAYARAGHAVAN
BY GOVERNMENT PLEADER SMT. P. MAYA**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1. TRUE COPY OF THE COMPLAINT SUBMITTED BY THE 5TH RESPONDENT BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I, KANJIRAPPALLY.

EXHIBIT P2. TRUE COPY OF THE F.I.R. IN CRIME NO.52/2005 OF KANJIRAPPALLY POLICE STATION.

EXHIBIT P3. TRUE COPY OF THE FINAL REPORT IN CRIME NO.358/CR/KTM/05 OF CBCID, KOTTAYAM (CRIME NO.52/05 OF KANJIRAPPALLY POLICE STATION).

EXHIBIT P4. TRUE COPY OF THE LETTER NO.COCB02102508 DATED 03.12.2009 ISSUED BY THE AG REGIONAL PASSPORT OFFICER, COCHIN.

EXHIBIT P5. TRUE COPY OF THE POLICE VERIFICATION REPORT NO.1071/SBVS/13K DATED 04.10.2013 ISSUED BY THE 3RD RESPONDENT.

EXHIBIT P6. TRUE COPY OF THE VERIFICATION REPORT NO.1958/SBVS,13K DATED 22.01.2014 ISSUED BY THE 3RD RESPONDENT.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PATO JUDGE
sab

P.UBAID, J.

W.P (Civil) No. 9117 of 2014

Dated this the 8th day of January, 2015.

O R D E R

The writ petitioner herein has got employment as Office Assistant in the Kerala Municipal Common Services. A police verification report against him made by the District Police Chief Kottayam, indicating that he was involved in a crime which however stands referred as undetected, stands in the way of his confirmation. Exts. P5 and P6 are the two reports of verification made by the District Police Chief. The petitioner seeks a writ of certiorari quashing these reports on the ground that these two reports will deny employment to him, and thereby deny his right to continue in service. As directed by this court, the fourth respondent herein filed a statement dated 19.7.2014 that the police has not been able to collect any material to implicate or incriminate the petitioner in the said crime No.52/2005 of the Kanjirappally police station, and that the petitioner is not now accused in the said crime. There is report that the said crime stands referred as undetected. When that is the situation the Exts. P5 and P6 reports will have no value or force. So there is no necessity of writ of certiorari as such

in the present circumstances. When the crime stands referred as undetected, and when the police is well definite that the petitioner is not accused in the said crime, and there is also no possibility of he is being arraigned as accused in the said crime, this proceeding can be closed with observation that the Exts. P5 and P6 reports will not stand in the way of the petitioner's confirmation/regularization in service or his service benefits.

Accordingly, this writ petition is closed with observation that the Exts. P5 and P6 reports made by the District Police Chief against the petitioner herein will not have any force or value as against the petitioner, and these reports will not stand in the way of his confirmation / regularization in service, or his other service benefits.

P.UBAID,
JUDGE