

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

WP(C).No. 9166 of 2015 (U)

PETITIONER :

**DR.NEBU JOHN,
ASSISTANT SURGEON, COMMUNITY HEALTH CENTRE,
VENPAKAL, NEYYATTINKARA, THIRUVANANTHAPURAM,
RESIDING AT VADAKKETHAZHATHIL, PERUMKAVU P.O.,
THIRUVANANTHAPURAM DISTRICT.**

BY ADV. SRI.B.KRISHNA MANI

RESPONDENT(S):

- 1. THE CHEIF SECRETARY,
SECRETARIAT, GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM-695 001.**
- 2. THE SECRETARY,
DEPARTMENT OF HEALTH, GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM-695 001.**

BY SR GOVERNMENT PLEADER SRI.K.C.VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

- EXT. P1 : TRUE COPY OF THE DETAILED WRITTEN STATEMENT
DATED 27/10/2002
- EXT. P2 : TRUE COPY OF THE CERTIFICATE ISSUED BY THE THEN BLOCK
PANCHAYAT MEMBER, MATHEW KALLATH DT. 3-3-03.
- EXT. P3 : TRUE COPY OF THE STATEMENT DT. 17-3-03 GIVEN BY ONE
P.K.SADASIVAN.
- EXT. P4 : TRUE COPY OF THE ORDER DT. 15-5-08.
- EXT. P5 : TRUE COPY OF THE MEMO OF CHARGES DT. 3-3-2010.
- EXT. P6 : TRUE COPY OF THE COMPLAINT BEFORE THE ADDITIONAL
SECRETARY, GOVERNMENT OF KERALA, DT. 16-3-2011.
- EXT. P7 : TRUE COPY OF THE ORDER DT. 14-1-2011.
- EXT. P8 : TRUE COPY OF THE COMMUNICATION DT. 6-6-2011 ISSUED BY THE
SECRETARY, AMBOORI GRAMA PANCHAYAT TO THE DIRECTOR,
HEALTH SERVICES, THIRUVANANTHAPURAM.
- EXT. P9 : TRUE COPY OF THE REPRESENTATION DT. 10-8-2011 SUBMITTED BY
THE PETITIONER BEFORE THE SECRETARY, HEALTH SERVICE AND
FAMILY WELFARE DEPARTMENT, GOVERNMENT OF KERALA.
- EXT. P10 : TRUE COPY OF THE REPRESENTATION DT. NIL SUBMITTED BY
ADIVASI MAHASABHA, THODUMALA WARD BEFORE THE DISTRICT
MEDICAL OFFICER, THIRUVANANTHAPURAM
- EXT. P11 : TRUE COPY OF THE COMPLAINT DT. 3-8-2011 BEFORE THE SUB
INSPECTOR OF POLICE, NEYYATTINKARA POLICE STATION.
- EXT. P12 : TRUE COPY OF THE ORDER DT. 20-9-2011 BY THE DIRECTOR OF
HEALTH, P.K.JAMEELA.
- EXT. P13 : TRUE COPY OF THE COMMUNICATION DT. 20-9-2011.
- EXT. P14 : TRUE COPY OF THE COMMUNICATION GIVEN FOR PUBLICATION
DT. 22-9-2011.
- EXT. P15 : TRUE COPY OF THE ORDER DT. 21-3-2012.
- EXT. P16 : TRUE COPY OF THE COMMUNICATION ISSUED BY THE PETITIONER
DT. 25-5-2012 BEFORE THE GOVERNMENT OF KERALA.

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- EXT. P17 : TRUE COPY OF THE MEMO OF CHARGES DT. 23-7-2012.
- EXT. P18 : TRUE COPY OF THE ORDER DATED ISSUED BY THE GOVERNMENT DT. 27-3-2013.
- EXT. P19 : TRUE COPY OF THE JUDGMENT DT. 4-2-2014 IN CC.NO.693/2011 BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE, KATTAKKADA.
- EXT. P20 : TRUE COPY OF THE COMMUNICATION DT. 1-3-2014 TO THE ADMINISTRATIVE OFFICER.
- EXT. P21 : TRUE COPY OF THE ORDER DT. 20-11-14 ISSUED BY THE DIRECTOR, HEALTH SERVICES, DR.P.K.JAMEELA.
- EXT. P22 : TRUE COPY OF THE DETAILED REPLY DT. 16-12-14.
- EXT. P23 : TRUE COPY OF THE REPRESENTATION DT. 19-11-14 BEFORE THE DIRECTOR, HEALTH SERVICES.
- EXT. P24 : TRUE COPY OF THE REPRESENTATION BEFORE THE SECRETARY, HEALTH AND FAMILY WELFARE DEPARTMENT.
- EXT. P25 : TRUE COPY OF THE ORDER DT. 28-11-12 PASSED BY THE KERALA STATE HUMAN RIGHTS COMMISSION.
- EXT. P26 : TRUE COPY OF THE ORDER DT. 8-1-13 PASSED BY THE KERALA STATE HUMAN RIGHTS COMMISSION.
- EXT. P27 : TRUE COPY OF THE COMMUNICATION DT. 28-12-12.
- EXT. P28 : TRUE COPY OF THE ORDER DT. 31-7-2012 PASSED BY THE HUMAN RIGHTS COMMISSION.
- EXT. P29 : TRUE COPY OF THE RELEVANT PORTION OF THE REPRESENTATION DT. 5-3-2015 BEFORE THE FIRST RESPONDENT.

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

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P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 9166 of 2015

Dated this the 8th day of April, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

"i. Issue a writ of mandamus or any other appropriate writ, order or direction directing the first respondent to dispose of Ext.P29 forthwith.

ii. Issue a writ of mandamus or any other appropriate writ, order or direction directing the respondents to conduct an enquiry into the allegations in terms of Ext.P29 and initiate appropriate action against the concerned officials.

iii. Award costs &

iv. Any other reliefs this Hon'ble Court deems fit."

When the matter is taken up for consideration, the learned counsel for the petitioner submits that the petitioner will be satisfied, if a direction is given to the 1st respondent to consider and pass appropriate orders on Ext.P29 wherein the grievance of the petitioner has been projected and highlighted.

2. Heard the learned Government Pleader as well.

3. In view of the limited relief sought for, the writ petition is disposed of, directing the 1st respondent to consider and pass

appropriate orders on Ext.P29 in accordance with law, after giving an opportunity of hearing to the petitioner and other interested parties, if any, at the earliest, at any rate, within 'three months' from the date of receipt of a copy of this judgment.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the 1st respondent for further steps.

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

kp/-