

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 28TH DAY OF JULY 2015/6TH SRAVANA, 1937

WP(C).No. 16325 of 2015 (M)

PETITIONER(S):

PRIYA M.D., AGED 38 YEARS,
W/O.UNNIKRISHNAN, VADAKKEDATHU HOUSE, ERAYAMKUDY P.O.,
MAMBRA, THRISSUR.

BY ADVS.SRI.P.P.THAJUDEEN
SMT.C.SEENA

RESPONDENT(S):

1. ASSISTANT DISTRICT CO-ORDINATOR,
AKSHAYA DISTRICT PROJECT OFFICE, VANCHIKULAM ROAD,
POOTHOLE PO, THRISSUR - 680 004.
2. DEPUTY SUPERINTENDENT OF POLICE, DISTRICT SPECIAL BRANCH,
THRISSUR RURAL, DISTRICT POLICE OFFICE,
THRISSUR - 680 004..
3. DISTRICT POLICE CHIEF,
THRISSUR RURAL, DISTRICT POLICE OFFICE,
THRISSUR - 680 004.
4. DISTRICT PLANNING OFFICER & AKSHAYA DISTRICT CO-ORDINATOR
DISTRICT PLANNING OFFICE, THRISSUR - 680004..
5. DISTRICT COLLECTOR,
CIVIL STATION, THRISSUR - 680 004.
6. SEEMA SUDHEER, AKSHAYA CENTRE,
NEAR PRIVATE BUS STAND, MALA, THRISSUR - 680 308.
7. T.N.PRATHAPAN,
M.L.A., "KARUNA", MALA,
THRISSUR - 680 308.
8. STATION HOUSE OFFICER,
MALA POLICE STATION, MALA, THRISSUR DISTRICT - 680 308.
9. THE DIRECTOR,
KERALA STATE IT MISSION, THIRUVANANTHAPURAM - 33.

R1 TO R5 & R8 & R9 BY GOVERNMENT PLEADER SRI.MANOJ P.KUNJACHAN
R6 BY ADVS. SRI.K.P.SUDHEER
SRI.ARUN MATHEW VADAKKAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
28-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- P1- TRUE COPY OF THE E-MAIL COMMUNICATION ISSUED BY THE FIRST RESPONDENT TO THE PETITIONER DATED 20.12.2011.
- P2- TRUE COPY OF THE E-MAIL COMMUNICATION DATED 21.12.2011 SEND TO THE FIRST RESPONDENT.
- P3- TRUE COPY OF THE E-MAIL COMMUNICATION DATED 2.1.2012 ISSUED BY THE FIRST RESPONDENT.
- P4- TRUE COPY OF THE ORDER DATED 18.2.2012 ISSUED BY THE SECOND RESPONDENT.
- P5- TRUE COPY OF THE COMMUNICATION DATED 16.8.14 BEARING NO.AKS/TSR/55/2014 ISSUED BY THE FIRST RESPONDENT TO THE EIGHTH RESPONDENT.
- P6- TRUE COPY OF THE REPRESENTATION 19.8.2014 SUBMITTED BY THE PETITIONER TO THE FIRST RESPONDENT.
- P7- TRUE COPY OF THE COMMUNICATION BEARING NO.2068/10/CA/DPM DATED 7.10.2014 ISSUED BY THE FOURTH RESPONDENT.
- P8- TRUE COPY OF THE ORDER ISSUED BY THE FIRST RESPONDENT BEARING NO.AKS/TSR/55/2014 DATED 8.5.15.
- P9- TRUE COPY OF THE LETTER BEARING NO.AKS/TSR/55/2014 DATED 8.5.2015 ADDRESSED TO THE SEVENTH RESPONDENT.
- P10- TRUE COPY REPRESENTATION SUBMITTED BY THE PETITIONER TO THE FIFTH RESPONDENT DATED 19.5.2015 AND ITS RECEIPT.
- P11- TRUE COPY OF THE REPRESENTATION DATED 14.5.2015 SUBMITTED TO TH 9TH RESPONDENT

RESPONDENT(S)' EXHIBITS:

- EXT.R6(a): TRUE COPY OF G.O.(MS) NO.19/05/ITD DTD.30.4.2005 ISSUED BY GOVERNMENT OF KERALA, INFORMATION TECHNOLOGY (A) DEPARTMENT.
- EXT.R6(b): TRUE COPY OF NOTIFICATION DTD.5.3.2013 ISSUED BY THE 1ST RESPONDENT.
- EXT.R6(c): TRUE COPY OF COMMUNICATION DTD.30.8.2013 ISSUED BY THE 1ST RESPONDENT TO THE 6TH RESPONDENT.

Msv/

WP(C).No. 16325 of 2015 (M)

**EXT.R6(d): TRUE COPY OF COMMUNICATION DTD.2.12.2013 ISSUED BY THE
1ST RESPONDENT TO THE 6TH RESPONDENT.**

**EXT.R6(e): TRUE COPY OF AGREEMENT DTD.2.1.2014 EXECUTED BETWEEN THE
GOVERNMENT OF KERALA, DEPARTMENT OF INFORMATION
TECHNOLOGY AND THE 6TH RESPONDENT.**

**EXT.R6(f): TRUE COPY OF COMPLIANCE CERTIFICATE DTD.15.1.2014 ISSUED BY THE
1ST RESPONDENT TO THE 6TH RESPONDENT.**

**EXT.R6(g): TRUE COPY OF REPRESENTATION SUBMITTED BY THE 6TH RESPONDENT
TO THE 5TH RESPONDENT.**

//TRUE COPY//

P.S.TO JUDGE

MsV/

K. VINOD CHANDRAN, J.

W.P(C) No.16325 of 2015

Dated this the 28th day of July, 2015

J U D G M E N T

The petitioner had applied against Ext.P1 notification, which inter alia called for starting a help desk in the police stations specified therein; including 'Mala'. The petitioner an Akshaya help Centre operator in Poyya Panchayat, had applied pursuant to Ext.P1 notification and the petitioner was allowed to start the help desk of the Akshaya Kendra at the Janamythri Police Station, Mala as is indicated Ext.P4. The petitioner is aggrieved by the fact that the petitioner has been asked to handover the help desk to the 6th respondent by Ext.P5, Ext.P8 and Ext.P9.

2. The petitioner submits that having been appointed in accordance with Ext.P1 notification, there can be no appointment made of the 6th respondent at this point

especially after two years, when the petitioner had invested considerable amounts in making a construction.

3. The additional 6th respondent has filed a detailed counter affidavit. Ext.R6(a) is the policy formulated by the Government by which the Akshaya Centres were set up under the Town and Country Planning Department. As per the policy, within a Grama Panchayat, Akshaya Centre is limited to two and that too only at a distance of 2 kms. The petitioner had been carrying on the Akshaya Centre at Poyya Panchayat, when Ext.P1 notification was brought out. There was no Akshaya Centre in Mala Panchayat at that time. The Mala police station specifically referred to in Ext.P1, is located in a Panchayat where there was no Akshaya Centre granted.

4. Subsequently, as per notification of the Government produced at Ext.R6(b), the Government had called for applications for appointing persons to carry on

Akshaya centres in 61 centres, which included Mala also, where the 6th respondent was appointed, as is evidenced at Ext.R6(c). However, the help desk existing in the Janamythri Police Station at Mala, was within 2 kms radius, specifically within 25 meters. The said help desk took away the major portion of the work of the said Akshaya centre. It was in such circumstance that on the application of the 6th respondent, the help desk at the Janamythri Police Station Mala was also granted to the 6th respondent.

5. This Court does not find any infirmity in the same since the appointment of the help desk cannot be claimed as a matter of right. Ext.P1 notification was to get over the absence of an Akshaya Centre in Mala Panchayat. A person having been appointed in the Mala Panchayat it is only proper that the work within the area of that Panchayat be carried out by the centre located therein. The petitioner

herein admittedly, has an Akshaya Centre in Poyya Panchayat and she cannot claim continuance in the Mala Panchayat after another person has been appointed validly to carry on the Akshaya Centre in that Panchayat.

6. The help desk was only to facilitate the residents of that Panchayat to utilise the facility of an Akshaya Centre, prior to one being located there. The contention of investment made by the petitioner is belied by the fact that even as per Ext.P1 the space and infrastructure were to be provided by the Government itself. The help desk only was a stop gap arrangement. Ext.P5 directed handing over of the help desk to the 6th respondent and Ext.P8 the cancellation of the help desk itself, which on a re-consideration has been decided to be allotted to the 6th respondent itself by Ext.P9. The distance rule being applicable to the Akshaya Centres, it is only fair that on a Centre being permitted in the Mala Panchayat the

help desk provided by the Centre at another nearby Panchayat is either stopped or allowed to be carried on by the new centre.

In such circumstance, this Court does not find any infirmity in Exts.P5 and P9 Writ petition would stand dismissed. No costs.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

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P.A to Judge