

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 11TH DAY OF SEPTEMBER 2015/20TH BHADRA, 1937

WP(C).No. 31333 of 2007 (R)

PETITIONER:

**GIRESH KUMAR R.V., U.D.CLERK(HIGHER GRADE),
JUDICIAL FIRST CLASS MAGISTRATE'S COURT-I,
THAMARASSERY, KOZHIKODE.**

**BY ADVS.SRI.S.P.PARAVINDAKSHAN PILLAY
SMT.N.SANTHA
SRI.K.A.BALAN
SRI.PETER JOSE CHRISTO
SRI.S.A.ANAND
SRI.JOVY GEORGE VARGHESE**

RESPONDENTS:

- 1. HIGH COURT OF KERALA,
REPRESENTED BY ITS REGISTRAR GENERAL, ERNAKULAM
KOCHI-18.**
- 2. THE CHIEF JUDICIAL MAGISTRATE,
KOZHIKODE.**
- 3. JUDICIAL FIRST CLASS MAGISTRATE-I,
KOZHIKODE.**

**R1 BY ADV. SRI.ELVIN PETER P.J.
R2 & R3 BY GOVERNMENT PLEADER SRI. P.S. SAJEEV**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

- P1 : TRUE COPY OF THE ADVERSE REMARKS FOR THE PERIOD FROM 14.7.2004 TO 31.12.2004
- P2 : TRUE COPY OF THE ADVERSE REMARKS FOR THE PERIOD FROM 1.1.2005 TO 9.3.2005
- P3 : TRUE COPY OF THE PETITION FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 19.5.2005
- P4 : TRUE COPY OF THE PETITION FILED BY THE PETITIONER BEFORE THE 2ND RESPNDENT DATED 21.5.2005
- P5 : TRUE COPY OF THE ORDER NO.A1-3586/05 DATED 24.8.2005 OF THE 2ND RESPONDENT
- P6 : TRUE COPY OF THE OFFICIAL MEMORANDUM NO.A1-2298/07 DATED 12.4.2007
- P7 : TRUE COPY OF THE REPRESENTATION DATED 19.4.2007 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT
- P8 : TRUE COPY OF THE OFFICIAL MEMORANDUM NO.C2-38677/07 DATED 7.8.2007

RESPONDENT'S EXHIBITS

- R1(A) : TRUE COPY OF THE G.O. DATED 22.8.1966 OF THE GOVERNMENT

//TRUE COPY//

P.A. TO JUDGE

JJJ

K. VINOD CHANDRAN, J.

W.P.(C) No. 31333 of 2007 (R)

Dated this the 11th day of September, 2015

J U D G M E N T

The petitioner is aggrieved by the fact that Exts.P1 and P2 confidential reports, though communicated to him are not descriptive as provided in the Preparation & Maintenance of Confidential Reports, Public (Rules) Department, Part-V G.O.(P) No.344 dated 22.8.1966.

2. The petitioner had filed appeals and revision against the order, which also turned futile as is indicated at Exts. P5 and P8. However, in Ext.P2 though there was a remark that the petitioner's character is not good enough to be continued in judicial department, the same was expunged in Ext.P5 order of the superior officer.

3. Exts.P1 and P2 are confidential reports filed by the immediate superior of the officer. The general conduct of the petitioner has been assessed and has been reduced to the remarks as seen from Exts.P1 and P2. The Rules have

been produced at Ext.R1(a), which indicate as its 'Objects' that the reports should generally be in review of the performance of the officer and an objective assessment of his capabilities as also give an estimate of his personality, character and ability. As for the officers in the judicial department their professional ability and general reputation has also to be referred to. It is also clearly indicated that the process of making the confidential report is not merely to screen an officer's potential for higher position, but to ensure that the officer performs better in his incumbent post also, if there are any deficiencies noticed by the superior officer. The prescription as to the entries in the confidential reports being descriptive, cannot be extended to mean that each and every incident in which a particular person was found to be deficient has to be specifically stated in the confidential report.

4. From the general purport of the Rules, this Court does not find any reason to interfere with the remarks made

in the confidential reports since it is a general assessment of the character of the person, as is discernible from the daily interaction with the superior officer and a review of the work he is entrusted with.

5. In such circumstance, this Court is of the opinion that the writ petition is devoid of any merit and the impugned orders are to be upheld.

Writ Petition is dismissed.

Sd/-
K.VINOD CHANDRAN,
JUDGE