

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 19TH DAY OF AUGUST 2015/28TH SRAVANA, 1937

WP(C).No. 25491 of 2015 (S)

PETITIONER(S) :-

RAHUL S.R.,
STUDENT, 5TH SEMESTER, BBA, LLB (HONS.)
SCHOOL OF LEGAL STUDIES, CUSAT, KALAMASSERY P.O
KOCHI - 682 022.

BY ADV. SRI.B.MOHANLAL

RESPONDENT(S) :-

1. COCHIN UNIVERSITY OF SCIENCE AND TECHNOLOGY
REPRESENTED BY ITS REGISTRAR, CUSAT, KALAMASSERY P.O.
KOCHI - 682 022.
2. THE VICE CHANCELLOR
COCHIN UNIVERSITY OF SCIENCE AND TECHNOLOGY
KALAMASSERY P.O., KOCHI - 682 022.
3. THE PRO-VICE CHANCELLOR
COCHIN UNIVERSITY OF SCIENCE AND TECHNOLOGY
KALAMASSERY P.O., KOCHI - 682 022.
4. THE REGISTRAR
COCHIN UNIVERSITY OF SCIENCE AND TECHNOLOGY
KALAMASSERY P.O., KOCHI - 682 022.
5. THE CHIEF RETURNING OFFICER
COCHIN UNIVERSITY OF SCIENCE AND TECHNOLOGY
KALAMASSERY P.O., KOCHI - 682 022.

BY SRI.MILLU DANDAPANI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C) .No. 25491 of 2015 (S)

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXHIBIT P1. COPY OF THE ELECTION NOTIFICATION ISSUED BY 5TH
RESPONDENT DATED 31.7.15.

EXHIBIT P2. COPY OF THE ELECTION RE-NOTIFICATION ISSUED BY 5TH
RESPONDENT DATED 7.8.15.

EXHIBIT P3. COPY OF THE COCHIN UNIVERSITY STATUTES ON ELECTION
DATED 7.9.1973.

EXHIBIT P4. COPY OF THE REPRESENTATION DATED 17.8.15 SUBMITTED BY
THE PETITIONER BEFORE THE 4TH RESPONDENT.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

**ASHOK BHUSHAN, CJ
&
A.M.SHAFFIQUE, J**

W.P.(C).No. 25491 of 2015

Dated this the 19th August, 2015

JUDGMENT

Ashok Bhushan, CJ.

Heard learned counsel for the petitioner and learned counsel appearing for the respondents.

2. This Writ Petition has been filed as a public interest litigation praying for the following reliefs:

- “i) To call for the records leading to Exhibits P2 and P3 from the 1st respondent University and issue a writ of certiorari or other appropriate writ order or direction quashign all further proceedings for re-notification of the election to the University Union General Council 2015-16 issued by the respondents in violation of Exhibit P3 statute.*
- ii) To issue a writ of mandamus or any other writ or order commanding the respondent re notify the election to University Union General Council 2015-16 in accordance with Exhibit P3 statute and conduct the election within a stipulated time as directed by this Honourable Court.”*

3. The petitioner's case is that according to Statute 29 of the Cochin University First Statutes, there should be 14 clear days after the date of publication of the notification of the election in the gazette. The petitioner's case is that earlier a notification, Exhibit P1 was issued on 31.7.2015, by which the last date for receiving the notification was only 5.8.2015 and the polling was scheduled to be held on 13.8.2015. By Exhibit P2 notification another schedule was renotified on 7.8.2015 fixing the date of polling as 19.8.2015. The petitioner, who claims to be a student studying in Vth Semester of the School of Legal Studies, Cochin University of Science and Technology, has come up with this Writ Petition as a public interest litigation contending that the petitioner and other students wanted to participate in the election to the University Union General Council, but the election notification did not provide 14 days time for filing nomination.

4. Learned counsel appearing for the respondents submits that the election process has already been begun and today the polling has been completed. It is further submitted that certain nominations were already rejected, against which W.P(C).No.25201 of 2015 was filed. However, this Court did not interfere with the rejection of nomination, but made it clear that the result of the election will be subject to the result of the Writ Petition. He further submits that as far as 14 days time is concerned, the first notification was issued on 31.7.2015 and the election is held on 19.8.2015. There was substantial compliance and ample time was there for all who wanted to contest and file nomination. He further submits that the remedy for challenging the election is already provided in the Statute, which can be availed by any aggrieved person challenging the election.

5. We have considered the submissions of learned counsel on both sides and perused the records.

6. The present Writ Petition has been filed as a public interest litigation seeking the reliefs as quoted above. The election process has already been begun and the polling having been completed, we are of the view that the Writ Petition at this stage cannot be entertained. All issues regarding the election are to be settled after closing of the election in accordance with the procedure prescribed. Thus, we are not inclined to interfere with this public interest litigation.

The Writ Petition is dismissed.

**ASHOK BHUSHAN
CHIEF JUSTICE**

**A.M.SHAFFIQUE
JUDGE**

vgs20/8/15