

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 18TH DAY OF SEPTEMBER 2015/27TH BHADRA, 1937

WP(C).No. 28320 of 2015 (S)

PETITIONER :

K.L.VENKATRAMANA HOLLA,
S/O.K.S. NARAYANA HOLLA,
RESIDING NEAR MALLIKARJUNA TEMPLE,
SVT ROAD, KASARAGOD - 671 121.

BY ADVS.SRI.K.SHRIHARI RAO
SMT.N.SHOBHA
SRI.A.S.SREEKANTH

RESPONDENTS :

1. MALABAR DEVASWOM BOARD,
REPRESENTED BY ITS SECRETARY,
ERANJIPALAM, HOUSE FED COMPLEX,
KOZHIKODE - 673 006.
2. THE COMMISSIONER, MALABAR DEVASWOM BOARD,
ERANJIPALAM, HOUSE FED COMPLEX,
KOZHIKODE - 673 006.
3. THE DEPUTY COMMISSIONER,
MALABAR DEVASWOM BOARD,
ERANJIPALAM, HOUSE FED COMPLEX,
KOZHIKODE - 673 006.
4. THE BOARD OF TRUSTEES,
REPRESENTED BY ITS CHAIRMAN, SRI.MALLIKARJUNA TEMPLE,
KASARAGOD, POST KASARAGOD - 671 121.
5. THE EXECUTIVE OFFICER,
SRI. MALLIKARJUNA TEMPLE,
KASARAGOD, POST KASARAGOD - 671 121.
6. A. SANTHOSH NAIK, S/O.BALAKRISHNA NAIK,
SANDHYANILAYAM, NEAR BAIDAR KALA GARODI,
ADKATHBAIL, POST KASARAGOD,
KASARAGOD DISTRICT - 671 121.

R1 TO R3 BY ADV. SRI.K.R.SUNIL, SC, MALABAR DEVASWOM BOARD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
18-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : TRUE COPY OF THE MEMO OF CHARGES DATED 16.08.2013 ISSUED BY
THE 5TH RESPONDENT TO THE 6TH RESPONDENT.

EXT.P2 : TRUE COPY OF THE EXPLANATION DATED 28.08.2013 OF THE 6TH RESPONDENT
TO THE 5TH RESPONDENT.

EXT.P3 : TRUE COPY OF THE TERMINATION ORDER DATED 29.11.2013 OF THE 5TH
RESPONDENT TO THE 6TH RESPONDENT.

EXT.P4 : TRUE COPY OF THE ORDER DATED 30.06.2014 IN A.P. No.1/14
OF THE 3RD RESPONDENT.

EXT.P5 : TRUE COPY OF THE MEMORANDUM OF APPEAL (AP No.10/14) OF THE
5TH RESPONDENT SUBMITTED BEFORE THE 2ND RESPONDENT.

EXT.P6 : TRUE COPY OF THE ORDER DATED 17.07.2015 IN AP No.10/14 OF
THE 2ND RESPONDENT.

EXT.P7 : TRUE COPY OF THE MASS PETITION SUBMITTED BY THE DEVOTEES
OF SRI.MALLIKARJUNA TEMPLE, KASARAGOD INCLUDING THE
PETITIONER TO THE 2ND RESPONDENT.

RESPONDENTS' EXHIBITS :

NIL

/TRUE COPY/

PA TO JUDGE

Ashok Bhushan, C.J. & K. Vinod Chandran, J.

W.P.(C) No. 28320 OF 2015

Dated this the 18th day of September, 2015

JUDGMENT

Ashok Bhushan, C.J.

Heard learned counsel for the petitioner and learned counsel appearing for respondent Nos.1 to 3. This writ petition has been filed by the petitioner as Public Interest Litigation objecting the reinstatement of an employee, the 6th respondent. The petitioner in the writ petition has prayed for the following reliefs:

- “i. Issue a writ of mandamus or any other appropriate writ order or direction directing the 2nd respondent to consider and pass appropriate orders on Ext.P7 after hearing the petitioner and other interested persons within a time limit.
- ii. Issue appropriate direction to the respondents 1 to 5 to keep in abeyance Ext.P4 and P6 orders till the disposal of Ext.P7 by the 2nd respondent.
- iii. Pass such other orders deemed fit in the facts and circumstances of the case and
- iv. Grant the petitioner the costs of the writ petition(Civil).”

2. In essence the writ petitioner prays to set aside the order passed by the Devaswom Board re-appointing the 6th respondent. Thus the issue raised is against re-appointment of 6th respondent.

It is well settled that the writ petition pertaining to service matters of an employee cannot be entertained as Public Interest Litigation. We are of the view that present is not a case which can be entertained as Public Interest Litigation. Hence the Writ Petition is dismissed.

**Ashok Bhushan,
Chief Justice.**

**K. Vinod Chandran,
Judge.**