

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 8TH DAY OF OCTOBER 2015/16TH ASWINA, 1937

WP(C).No. 28758 of 2015 (R)

PETITIONER:

**INDIRA DEVI AGED 52 YEARS
D/O.V.P.MENON, T.C.4/146, KSHEMA BAVA ROAD
KARIPPALAM COCHIN - 2.
(UNDER ORDERS OF POSTING AS JUDGE M.A.C.T., MANJERI)**

**BY ADVS.SRI.R.T.PRADEEP
SMT.M.BINDUDAS**

RESPONDENT(S):

- 1. THE HIGH COURT OF KERALA
REPRESENTED BY ITS REGISTRAR GENERAL
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. REGISTRAR (SUBORDINATE JUDICIARY)
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

**R1 & 2 BY ADVS. SMT.V.P.SEEMANDINI (SR.)
SRI.M.R.ANISON**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

- EXHIBIT P1. TRUE COPY OF THE ORDER DATED 07.03.2014 BY WHICH PETITIONER WAS PROMOTED AND TRANSFERRED AS PRESIDING OFFICER OF M.A.C.T., MANJERI.
- EXHIBIT P2. TRUE COPY OF THE REPORT OF INSPECTION CELL OF THIS HON'BLE COURT DATED 14.08.2013.
- EXHIBIT P3. TRUE COPY OF THE REPORT DATED 04.09.2013 BY PETITIONER BEFORE THIS HON'BLE COURT.
- EXHIBIT P4. TRUE COPY OF THE PETITION OF P.P. PETER DATED 21.08.2013.
- EXHIBIT P5. TRUE COPY OF THE EXPLANATION TENDERED BY PETITIONER DATED 25.09.2013.
- EXHIBIT P6. TRUE COPY OF THE O.M. DATED 06.11.2013 OF HIGH COURT OF KERALA TO PETITIONER.
- EXHIBIT P7. TRUE COPY OF THE F.I.R. DATED 07.02.2014 IN CRIME NO.357/2014 OF CHALAKUDY POLICE STATION ALONG WITH THE COMPLAINT OF PETITIONER BEFORE AD.G.P., NORTH ZONE, CALICUT.
- EXHIBIT P8. TRUE COPY OF THE O.M. DATED 24.07.2015 REGARDING THE ACCEPTANCE OF INSPECTION NOTES AND REJECTION OF EXPLANATION SUBMITTED BY COURT STAFF.
- EXHIBIT P9. TRUE COPY OF THE REPORT REGISTRAR (VIGILANCE) EXTRACTED BY PETITIONER.
- EXHIBIT P10. TRUE COPY OF THE ORDER SUSPENSION DATED 19.03.2014.
- EXHIBIT P11. TRUE COPY OF THE MEMO OF CHARGES 31.05.2014.
- EXHIBIT P12. TRUE COPY OF THE STATEMENT OF DEFENCE OF PETITIONER DATED 17.07.2014.
- EXHIBIT P13. TRUE COPY OF THE APPLICATION DATED 18.02.2015 ACCOMPANIED WITH MEDICAL CERTIFICATE.
- EXHIBIT P14. TRUE COPY OF THE PROCEEDINGS DATED 18.02.2015 BY THE ENQUIRY OFFICER.
- EXHIBIT P15. TRUE COPY OF THE APPLICATION DATED 03.03.2015.
- EXHIBIT P16. TRUE COPY OF THE WITNESS SCHEDULE DATED 03.03.2015 BY PETITIONER.

- EXHIBIT P17. TRUE COPY OF THE PROCEEDINGS OF ENQUIRY OFFICER DATED 03.03.2015.
- EXHIBIT P18. TRUE COPY OF THE APPLICATION DATED 16.03.2015 FOR CHANGING THE PRESENTING OFFICER BY PETITIONER.
- EXHIBIT P19. TRUE COPY OF THE PROCEEDINGS DATED 21.03.2015 BY THE RESPONDENT.
- EXHIBIT P20. TRUE COPY OF THE APPLICATION DATED 27.05.2015 OF PETITIONER.
- EXHIBIT P21. TRUE COPY OF THE PROCEEDINGS DATED 30.05.2015 OF RESPONDENT WHICH INDICATED THE CLOSING OF PROCEEDINGS ON 30.05.2015.
- EXHIBIT P22. TRUE COPY OF THE O.M. DTED 25.11.2014 CALLING UPON THE PETITIONER FOR ENQUIRY PROCEEDINGS.
- EXHIBIT P23. TRUE COPY OF THE ENQUIRY REPORT DATED 07.07.2015.
- EXHIBIT P24. TRUE COPY OF THE COMMUNICATION DATED 03.09.2015.
- EXHIBIT P25. TRUE COPY OF THE APPLICATION DATED 18.09.2015 GIVEN BY PETITIONER.
- EXHIBIT P26. TRUE COPY OF THE JUDGMENT DATED 13.05.2014 IN W.P.(C) NO.8359/2014.
- EXHIBIT P27 TRUE COPY OF THE COVERING LETTER DATED 23.09.2015 WITH THE DOCUMENT APPENDED THEREON
- EXHIBIT P28 TRUE COPY OF LETTER DATED 28.9.2015 ISSUED BY 2ND RESPONDENT

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A. TO JUDGE

JJJ

K. VINOD CHANDRAN, J.

W.P.(C) No. 28758 of 2015 (R)

Dated this the 8th day of October, 2015

J U D G M E N T

The petitioner has filed the above writ petition challenging the enquiry proceedings on the contention that, though the memo of charges enumerated 13 documents the Presenting Officer on behalf of the prosecution produced and marked 21 documents skipping many of the documents enumerated in the memo of charges and substituting other documents. It is also contended that Ext.P23 enquiry report does not contain the appendix enumerating the 21 documents, which was supplied to the petitioner.

2. The learned Senior Counsel appearing for the respondent submits that the petitioner was fully participated in the enquiry and the documents were marked in her presence.

3. However, this Court would not enter into an adjudication of the enquiry proceedings since the matter is now said to be pending before the disciplinary authority, the Administrative Committee of the High Court. Admittedly, after the filing of the writ petition on 23.9.2015, the enquiry report, along with the Annexures, was served on the petitioner. The petitioner has also been granted a further 15 days' time to file objections before the Administrative Committee. The petitioner is said to have given a reply to the same also. The entire allegations raised in the writ petition could be urged before the Administrative Committee itself. This Court would not pre-empt the disciplinary authority by looking into the enquiry proceedings at this stage.

Leaving all contentions open, the writ petition would stand closed.

Sd/-
K.VINOD CHANDRAN,
JUDGE