

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 5TH DAY OF JANUARY 2015/15TH POUSHA, 1936

WP(C).No. 32181 of 2014 (W)

PETITIONER :

ABHILASH S. AGED 22 YEARS
S/O.SUGUNAN (LATE), PARIMALABHAVAN HOUSE
THEKKENADA P.O., VAIKOM, KOTTAYAM DISTRICT
PIN - 686 142.

BY ADV. SRI.MATHEW KURIAKOSE

RESPONDENTS :

1. THE DIRECTOR,
THE DIRECTORATE OF INDUSTRIAL TRAINING, THYCAUD P.O.
THIRUVANANTHAPURAM - 695 014.
2. THE PRINCIPAL
GOVERNMENT INDUSTRIAL TRAINING INSTITUTE, ETTUMANOOR
KOTTAYAM - 686 631.

R BY GOVERNMENT PLEADER SRI.JOSEPH GEORGE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
05-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 32181 of 2014 (W)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P-1: TRUE COPY OF THE ORDER NO.E4/3012/2014 (1) DATED 10.10.2014 ISSUED BY THE 2ND RESPONDENT

EXT.P-2: TRUE COPY OF THE ORDER DATED 19.11.2014 IN CRL.MP NO.2587 OF 2014 ON THE FILES OF THE HONOURABLE SESSIONS COURT, KOTTAYAM.

EXT.P-3: TRUE COPY OF THE REPRESENTATION DATED 28.11.2014 SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A TO JUDGE

AV

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 32181 of 2014

Dated this the 5th day of January, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

- “i. Issue a writ of certiorari or any other writ order or direction quashing Exhibit P1 order and further proceedings therein;*
- ii. Issue a writ of mandamus or any other writ order or direction commanding Respondent No.2 to permit the petitioner to continue his training of 6 months Driver Cum Mechanic course in Government Industrial Training Institute, Ettumanoor, Kottayam.*
- iii. Issue such other appropriate writ, order or direction which this Hon'ble Court may deem fit in the circumstances of the case;*
- iv. Award costs of these proceedings to the Petitioner.”*

2. The learned counsel for the petitioner submits that, the petitioner came to be falsely implicated in a crime. The petitioner was suspended from pursuing the course, which is a 'six months' course, to get qualified as 'Driver cum Mechanic', in the Government Industrial Training Institute, Ettumanoor, Kottayam, which commenced from August, 2014. Ext.P1 is the order of suspension. The petitioner was released on bail as evidenced

from Ext.P2 order dated 19.11.2014 passed in CrI. M.P. No. 2587 of 2014, on the files of the Sessions Court, Kottayam. The petitioner submitted Ext.P3 representation before the 2nd respondent, to permit him to continue the course which has not been acted upon so far and hence the challenge, mainly contending that no opportunity of hearing was given before passing Ext.P1 order of suspension. The learned counsel for the petitioner points out that, innocence of the petitioner is to be presumed till he is found guilty and as such, the petitioner is having every right to continue the course.

3. The learned Government Pleader submits on instructions that the course was of a duration of 'six months', commencing from August, 2014, which will come to an end by 15th of January, 2015. As on the date of suspension ie; on 08.10.2014, the petitioner was having only 66% of attendance and that, a minimum of 80% is necessary to take part in the concerned examination. Even if the petitioner succeeds in getting favourable orders from this Court, to permit him to continue the training course, it would come to an end by 15th of this month and as such, it cannot take the petitioner anywhere. The learned

Government Pleader also points out that the petitioner is an accused in almost six cases, particulars of which have been given in the statement dated 11.12.2014. It is worthwhile to have a peep in to the facts and figures as given in the statement, which is extracted below:

- “(a) Crime No.626/2009 - Vaikom Police Station _ Sections 392, 353 r/w of Indian Penal Code and Sections 128, 184, 188 of Motor Vehicles Act - the petitioner was convicted and released under Section 4 of the Probation of Offenders Act.*
- (b) Crime No.724/2011 of Vaikom Police Station - offences punishable under Sections 341, 323 r/w 34 of Indian Penal Code - offences compounded on 20.01.2012 under Section 320(8) of the code of Criminal Procedure.*
- (c) Crime No.566/2012 of Vaikom Police Station - 2nd accused - offences punishable under Section 308 r/w 34 of the Indian Penal Code - pending trial.*
- (d) Crime No.671/2013 of Vaikom Police Station - 1st accused - for offences punishable under Sections 294(b), 506(i), 341, 323 r/w 34 of the Indian Penal Code - pending trial.*
- (e) Crime No.377/12 of Thalayolaparambu Police Station - 2nd accused - offences punishable under Section 379 r/w 34 of Indian Penal Code - compounded on 11.07.2014 and*
- (f) Crime No.406/12 of Thalayolaparambu Police Station - 3rd accused - offences punishable under Section 379 r/w 34 of Indian Penal Code - compounded on 11.07.2014.*

2. It is hereby submitted that every serious offences involving moral turpitude were charged against the petitioner. In Crime No.626/2009, the petitioner

snatched the Wireless communication set of the Police Constable who was on traffic duty at Vaikom. In Crime No.566/2012, the petitioner attacked the de-facto complainant therein with the help of another person by fully knowing that the attack will result in the death of de-facto complainant. In Crime No.377/2012 and 406/2012, the allegations against the petitioner are the theft of the batteries from the mobile tower base station."

4. After hearing both the sides, this Court does not find it as a fit case to invoke the discretionary jurisdiction of this Court. Interference is declined and the writ petition is dismissed as devoid of any merit.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.