

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

TUESDAY, THE 6TH DAY OF JANUARY 2015/16TH POUSHA, 1936

WP(C).No. 33920 of 2014 (L)

PETITIONER :

P.P.BHASKARAN,
PRINCIPAL
PARASSINIKKADAVU AYURVEDA MEDICAL COLLEGE.P.O.,
PARASSINIKADAVU, KANNUR.

BY ADVS.SRI.N.DHARMADAN (SR.)
SMT.D.P.RENU

RESPONDENTS :

1. THE DEPUTY SUPERINTENDENT OF POLICE,
THALIPARAMBA, KANNUR-676561.
2. STATION HOUSE OFFICER,
THALIPARAMBA POLICE STATION, KANNUR-670561.
3. E.KUNHIRAMAN,
DIRECTOR & CORRESPONDENT
PAPPINISSERY VISHA CHIKILSA SOCIETY
PARASSINIKKADAVU AYURVEDA MEDICAL COLLEGE
PARASSINIKKADAVU, KANNUR-670861.
4. PATTYAM RAJAN,
S/O.KUHNJABU, PATTYAM DESOM, KOTTIYODE DESOM
THALASSERY TALUK, KANNUR-670561.
5. SECRETARY,
PAPPINISSERY PANCHAYATH VISHA CHIKILSA SOCIETY
RESIDING AT 'SREENAS'
PUTHIYAKAVU, PAPPINISSERY WEST.P.O, KANNUR-670561.

R1 & R2 BY STATE ATTORNEY, SRI.P. VIJAYARAGHAVAN.
R4 BY ADV. SRI.P.SATHISAN
R5 BY ADV. SRI.ABRAHAM K.JOHN
SRI.P.K.BALAKRISHNAN
SMT.C.G.ARUNDHATHI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
06-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 33920 of 2014 (L)

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 COPY OF THE ORDER IN I.A.1503/2014 IN O.S.514/2014 DT.26.9.2014 OF
THE MUNSIFF COURT,TALIPARAMBA.

EXT.P2 COPY OF PROCEEDINGS DT.10.10.2014 BY RESPONDENTS 2 AND 3.

EXT.P3 TRUE COPY OF BYE-LAWS OF THE SOCIETY (RELEVANT PORTION)
DT.27.7.1973.

EXT.P3(A) TRUE ENGLISH TRANSLATION (RELEVANT PORTION)OF EXT.P3 BYE-LAW

EXT.P4 TRUE COPY OF THE JUDGMNET IN W.P(C)32425/14 DT.3.12.2014
OF THIS HON'BLE COURT.

EXT.P5 TRUE COPY OF THE ORDER DT.11.12.2014 BY THE 5TH RESPONDENT.

EXT.P6 TRUE COPY OF PETITION DT.12.12.2014 FILED BY THE PETITIONER.

RESPONDENTS' EXHIBITS :

NIL

/TRUE COPY/

PA TO JUDGE

ASHOK BHUSHAN, Ag.C.J. & A.M. SHAFFIQUE, J.

W.P.(C) No. 33920 OF 2014

Dated this the 6th day of January, 2015

JUDGMENT

Ashok Bhushan, Ag.C.J.

Heard learned counsel for the petitioner and learned counsel appearing for the party respondents as well as learned Government Pleader.

2. This writ petition is filed for police protection praying for the following reliefs:

"a) issue a writ of mandamus or any other writ or order or direction directing the respondents 1 and 2 to give sufficient police protection to the petitioner to work as Principal of Medical College after joining duty pursuant to the order Ext.P2 and P5 issued by the 5th respondent.

b) issue a writ of mandamus or any other writ or order or direction directing the 5th respondent, in the light of Ext.P4 to allow the petitioner to join duty as Principal of the Ayurveda Medical College, Kannur forthwith with all arrears of salary for the period during which he was illegally prevented from doing his work as Principal.

(c) to declare that the respondent 3 and 4 and their men have no right to prevent the petitioner from joining duty and continuing as the Principal of the Ayurveda Medical College, Kannur in the light of the orders passed by the Secretary in accordance with the Bye Law."

3. The petitioner claims that he was promoted as Principal of the Pappinissery Ayurveda Medical College, Kannur from 01.05.2011. The allegation is that O.S. No.514 of 2014 was filed by 4th respondent in which an interim injunction was obtained alleging that the petitioner was suspended on 20.05.2014. It is submitted that subsequently, the injunction order has been vacated on 20.09.2014, but still interference is caused in the functioning of the petitioner as Principal of the College.

4. The case of respondents 3 and 4 is that petitioner has already been suspended by the Trust Board and proceedings for termination from service has also been undertaken. Learned counsel for the 5th respondent submits that the management of the Trust Board is represented by 5th respondent and there are no orders of any court against the management represented by the 5th respondent. He submits that the petitioner is the Principal and is entitled to function in the post of Principal. Both respondents 5 and 6 are claiming to be the Secretary of the Trust Board and have taken divergent claims and counter claims.

5. Learned counsel for the petitioner submits that even police authorities have been informed that there has been serious dispute regarding management of Trust and there may be law and order problem and to consider the report submitted by initiation of the action under Section 144 Cr.P.C. It has also been submitted by learned counsel for the parties that there are at least 7 suits, which are pending in the Civil Court with regard to claim of management of Trust Board filed by one or other faction.

6. From the facts as has been noted above, it is clear that there being serious dispute regarding the management of Trust which is running the Ayurveda Medical College, it is for the competent civil court to issue appropriate direction and the parties are free to seek and obtain appropriate direction regarding the functioning of the Principal. We only observe that for proper running of Ayurveda Medical College, functioning of the Principal is necessary and must. We observe that in the event the party respondents, i.e. rival factions, approach the civil court seeking appropriate directions, the said application be considered taking note of the facts and circumstances and orders be passed.

In this writ petition which has been filed for police protection, we cannot proceed to adjudicate the rival claim of two factions regarding the management of the Trust and allegations or counter allegation regarding the suspension and proceedings against the petitioner. We, however, are of the view that police authorities have to ensure that law and order is maintained in the premises of the College and the parties are not permitted to act in a manner so that breach of peace may take place.

With the above observations, we close the Writ Petition.

**Ashok Bhushan,
Acting Chief Justice.**

**A.M. Shaffique,
Judge.**