2025:KER:31425

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE D. K. SINGH

THURSDAY, THE 10TH DAY OF APRIL 2025 / 20TH CHAITHRA, 1947

WP(C) NO. 14392 OF 2025

PETITIONER:

MINIMOL P N
AGED 52 YEARS
CONFIDENTIAL ASSISTANT (SELECTION GRADE), JUDICIAL FIRST CLASS MAGISTRATE COURT-I, ETTUMANNOOR (NOW WORKING AS CONFIDENTIAL ASSISTANT (SELECTION GRADE), JUDICIAL FIRST CLASS MAGISTRATE COURT-II, KOTTAYAM RESIDING AT W/O VINOD K.K, KAROTTUKUNNEL HOUSE, EZHACHERRY P O, PALA, KOTTAYAM, PIN - 686651

BY ADVS.
K.S.ANEESH
SHYAMDEEP S.SHENOY
RENISH RAVEENDRAN
C.S.GEETHU
FARHATH SALIM
VIKAS V. SHENOY

RESPONDENTS:

1 **HIGH COURT OF KERALA**
ERNAKULAM, REPRESENTED BY REGISTRAR GENERAL, HIGH COURT OF KERALA, PIN - 682031

2 **THE REGISTRAR DISTRICT JUDICIARY**
DISTRICT JUDICIARY, HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031

3 **SRI. MOHANAKRISHNAN**
THE ENQUIRY OFFICER, ADDITIONAL DISTRICT JUDGE-V/ADDITIONAL MACT, KOTTAYAM, PIN – 686002.

2025:KER:31425

BY ADV.
M. SHAJNA-SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

2025:KER:31425

D. K. SINGH, J.

W.P.(C) No. 14392 of 2025

Dated this the 10th day of April, 2025

JUDGMENT

1. Heard Mr. Aneesh K. S., the learned Counsel for the petitioner and Ms. M. Shajna, the learned Standing Counsel for the High Court of Kerala.

2. The petitioner is facing domestic enquiry. She is holding the post of Confidential Assistant (Selection Grade) in the Court of the Judicial First Class Magistrate Court – II, Kottayam. The Enquiry Officer has declined the request of the petitioner to be represented by a lawyer.

3. The Enquiry Officer in the impugned order in Exhibit P-13 stated that in the enquiry, since the witnesses to be examined are judicial officers and if they are allowed to be cross-examined by a lawyer, it would cause unnecessary harassment to them.

4. In domestic enquiry what is required to be observed strictly is the principles of natural justice. When the Enquiry Officer and the Presenting Officer are judicial officers, the petitioner a layman, cannot effectively defend herself in the said enquiry and, therefore,

2025:KER:31425

she must be permitted to be represented by a lawyer of her choice. Cross examination of the witnesses, who are the Judicial Officers, by a lawyer does not cause any embarrassment to the said witnesses. I, therefore, find no substance in the impugned order passed by the Enquiry Officer and it is in violation of the principles of natural justice. Hence, the same is hereby set aside. The petitioner is permitted to engage a lawyer of her choice to defend herself in the enquiry.

With the above observation and direction, the present writ petition is hereby disposed of.

Sd/-
D. K. SINGH
JUDGE

Svn

2025:KER:31425

APPENDIX OF WP(C) 14392/2025

PETITIONER EXHIBITS

EXHIBIT P1	**THE TRUE COPY OF THE LETTER DATED 24.02.2024 SENT TO THE CHIEF JUDICIAL MAGISTRATE, KOTTAYAM BY THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I, ETTUMANOOR**
EXHIBIT P2	**THE TRUE COPY OF THE D.O LETTER DATED 06.06.2024 SENT TO THE CHIEF JUDICIAL MAGISTRATE, KOTTAYAM BY THE JUDICIAL FIRST CLASS MAGISTRATE COURT-I, ETTUMANOOR**
EXHIBIT P3	**TTHE TRUE COPY OF THE LETTER DATED 13.06.2024 SENT TO THE SECOND RESPONDENT BY THE CHIEF JUDICIAL MAGISTRATE, KOTTAYAM**
EXHIBIT P4	**THE TRUE COPY OF THE APPLICATION DATED 18.09.2023 SUBMITTED BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE-III, KOTTAYM BY THE PETITIONER ALONG WITH THE ENGLISH TRANSLATION**
EXHIBIT P5	**THE TRUE COPY OF THE COMPLAINT DATED 25.09.2023 SUBMITTED BEFORE THE CHIEF JUDICIAL MAGISTRATE KOTTAYAM BY THE JUDICIAL OFFICER OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-III, KOTTAYAM**
EXHIBIT P6	**THE TRUE COPY OF THE COMPLAINT DATED 30.09.2023 SUBMITTED BEFORE THE CHIEF JUDICIAL MAGISTRATE, KOTTAYAM BY THE JUDICIAL OFFICER OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-III, KOTTAYAM**
EXHIBIT P7	**THE TRUE COPY OF THE REPRESENTATION DATED 09.10.2023 BY THE PETITIONER BEFORE THE CHIEF JUDICIAL MAGISTRATE, KOTTAYAM**
EXHIBIT P8	**THE TRUE COPY OF THE MEMO OF CHARGES DATED 18.10.2024 ISSUED BY THE SECOND RESPONDENT**
EXHIBIT P9	**THE TRUE COPY OF THE WRITTEN STATEMENT OF DEFENCE DATED 04.11.2024 TO THE EXHIBIT P7 MEMO OF CHARGES ALONG WITH THE ENGLISH TRANSLATION**

2025:KER:31425

EXHIBIT P10 **THE TRUE COPY OF THE OFFICIAL MEMORANDUM DATED 23.01.2025**

EXHIBIT P11 **THE TRUE COPY OF THE APPLICATION DATED 05.03.2025 SEEKING PERMISSION TO APPOINT LAWYER SUBMITTED BY THE PETITIONER BEFORE THE THIRD RESPONDENT**

EXHIBIT P12 **THE TRUE COPY OF THE NOTICE DATED 06.03.2025 ISSUED BY THE THIRD RESPONDENT TO THE PETITIONER HEREIN ALONG WITH THE ENGLISH TRANSLATION**

EXHIBIT P13 **THE TRUE COPY OF THE ORDER DATED 19.03.2025 PASSED BY THE THIRD RESPONDENT IN THE DISCIPLINARY PROCEEDINGS AS PER THE EXHIBIT P10**

EXHIBIT P14 **THE TRUE COPY OF THE NOTICE DATED 20.03.2025 ISSUED TO THE PETITIONER BY THE THIRD RESPONDENT ALONG WITH THE ENGLISH TRANSLATION**