

Prasad Vs. Union of India

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Court : Kerala

Decided On : Oct-23-2013

Judge : Honourable Mr.Justice a.M.Shaffique

Appellant : Prasad

Respondent : Union of India

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE A.M.SHAFIQUE WEDNESDAY, THE 23D DAY OF OCTOBER 2013 1ST KARTHIKA, 1935 WP(C).No. 7679 of 2013 (H) ----- PETITIONER(S): ----- PRASAD.P.S., AGED 21 YEARS, S/O.PRAKASH, SADHANA NIVAS J.P.NAGAR HOUSE NO.1 WEST FORT TRIVANDRUM VALLAKKADAVU P.O. 695 008. BY ADVS.SRI.P.HARIDAS SMT.S.SIKKY RESPONDENT(S): ----- 1. UNION OF INDIA, REPRESENTED BY ITS PRINCIPAL SECRETARY DEPT. OF HUMAN RESOURCE DEVELOPMENT NEW DELHI-110 001 2. NATIONAL COUNCIL FOR HOTEL MANAGEMENT AND CATERING TECHNOLOGY, NOIDA - U.P. REPRESENTED BY ITS DIRECTOR. 201 301.

3. INSTITUTE OF HOTEL MANAGEMENT AND CATERING TECHNOLOGY, G.V.RAJA ROADS KOVALAM THIRUVANANTHAPURAM REPRESENTED BY ITS PRINCIPAL 695527.

4. DIRECTOR, DIRECTORATE OF PUBLIC INSTRUCTIONS THIRUVANANTHAPURAM-695 001.

5. THE CHIEF COMMISSIONER OF PERSONS WITH DISABILITIES SAROJINI HOUSE, 6 BHAGWAN DASS ROAD NEW DELHI-110 001.

6. INDIRA GANDHI NATIONAL OPEN UNIVERSITY REPRESENTED BY ITS REGISTRAR, NEW DELHI-110 001. R2,R3 BY ADV. SHRI.SUNIL JACOB JOSE, CGC R4 BY GOVERNMENT PLEADER SMT.SANJEETHA K.A. R5 BY ADV. SRI.TPM.IBRAHIM KHAN,SENIOR PANEL COUNSEL BY SRI.P.PARAMESWARAN NAIR,ASG OF INDIA BY SRI.SUNIL JACOB JOSE THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON2310-2013, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C).No. 7679 of 2013 (H) ----- APPENDIX PETITIONER(S)' EXHIBITS ----- EXHIBIT-P1 - TRUE COPY OF THE MEDICAL CERTIFICATE FROM INSTITUTE FOR COMMUNICATIVE AND COGNITIVE NEUROSCIENCES, THIRUVANANTHAPURAM DATED2711-2010. EXHIBIT-P2 - TRUE COPY OF THE STIPULATIONS UNDER SECTION30OF THE PERSONS WITH DISABILITIES (EQUAL OPPORTUNITIES, PROTECTION OF RIGHTS, FULL PARTICIPATION)ACT EXHIBIT-P3 - TRUE COPY OF THE OFFICE MEMORANDUM STIPULATING THE GUIDELINES FOR CONDUCTING WRITTEN EXAMINATION FOR PERSON WITH DISABILITIES ISSUED BY THE FIRST RESPONDENT. EXHIBIT-P4 - THE LETTER ISSUED BY THE1T RESPONDENT TO ALL STATE GOVERNMENT DATED261-2013. EXHIBIT-P5 - TRUE COPY OF THE PROCEEDINGS OF THE DIRECTOR OF PUBLIC INSTRUCTIONS THIRUVANANTHAPURAM DATED143-2008. EXHIBIT-P6 - TRUE COPY OF THE LETTER OF DEPUTY DIRECTOR(IED), DIRECTORATE OF PUBLIC INSTRUCTIONS NO.IED/3279/2010/DPI DATED1810-2010. EXHIBIT-P7 - TRUE COPY OF THE APPLICATIONS SUBMITTED BEFORE THE2D RESPONDENT SEEKING THE SPECIAL BENEFITS AS PER GOVERNMENT

ORDER

DATED 10.8.2012 WITH ENDORSEMENT OF RECEIPT. EXHIBIT-P8 - TRUE COPY OF THE FORWARDING LETTER OF 3D RESPONDENT SENT TO THE 2D RESPONDENT SEEKING THE SANCTION FOR THE BENEFITS DATED 06.08.2012. EXHIBIT-P9 - TRUE COPY OF THE MARK LIST FOR THE INTERNAL EXAMINATION SECURED BY THE PETITIONER. EXHIBIT-P10 - TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER BEFORE 5H RESPONDENT. RESPONDENT(S)' EXHIBITS -----
R3(A):- COPY OF THE RELEVANT EXAMINATION RULES DTD 27.8.2012.
R3(B):- COPY OF THE LETTER DTD 18.2.2012. R3(C):- COPY OF THE APPLICATIONS FORM SUBMITTED BY THE PETITIONER. tss W.P.(C) NO.7679/2013 R3(D):- COPY OF THE APPLICATION DTD. 16.8.2013. R5(A):- COPY OF THE OFFICE

ORDER

NO.1676/E-V/ESTT/DHC DTD. 19.12.2006 OF THE REGISTRAR, HIGH COURT OF DELHI. R5(B):- COPY OF THE

ORDER

DTD. 16.7.2012 ISSUED BY THE HONOURABLE SUPREME COURT OF INDIA IN SPECIAL LEAVE TO APPEAL (CIVIL) NO.9055 OF 2008 IN C.W.P. NO.2414/2007 IN THE CASE OF PUNJAB STATE ELECTRICITY BOARD, PATIALA VS. NIRMAL KAUR & OTHERS. TRUE COPY P.A. TO JUDGE tss A.M.SHAFFIQUE ,J.

===== W.P.(C)No.7679 of 2013
===== Dated this the 23rd day of October, 2013

JUDGMENT

The relief sought for in the writ petition is to conduct a re-examination for the petitioner. Respondents 2 and 3 have filed counter affidavit producing Ext.R3(d), an application submitted by the petitioner seeking issuance of conduct certificate and other records including transfer certificate. The contention is that nothing remains to be considered in the writ petition as the petitioner has already obtained transfer from the college with effect from 19/8/2013. In that view of the matter, I do not think that there is any necessity to consider the writ petition on merits.

Accordingly, the writ petition is dismissed. Sd/- ks. A.M.SHAFIQUE,JUDGE P.R. RAMACHANDRA MENON,J.

===== W.P.(C)No.7679 of 2013
===== Dated this the 19th day of August, 2013

ORDER

Learned standing counsel Shri Sunil Jacob seeks for further time to file counter affidavit and also produce copies of the application form, certificates, if any,/declaration and such other particulars. Post on 3/9/2013 at the instance of the learned standing counsel. If ultimately it is found that the petitioner is entitled to succeed, the period, during which the petitioner has been prevented from participating the classes, will not be a bar while computing the shortage of attendance. ks. P.R. RAMACHANDRA MENON,JUDGE

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