

**Abraham K.J vs Union of India**

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**SooperKanoon Citation :** [sooperkanoon.com/1362221](https://sooperkanoon.com/1362221)

**Court :** Kerala

**Decided On :** May-31-2023

**Judge :** Honourable Mr. Justice P.V.Kunhikrishnan

**Appeal No. :** WP(C)/16769/2023

**Appellant :** Abraham K.J

**Respondent :** Union of India

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN  
WEDNESDAY, THE 31ST DAY OF MAY 2023 / 10TH JYAISHTA, 1945  
PETITIONER: ABRAHAM K.J AGED 63 YEARS S/O. JOSEPH,  
KANNAMPARAMBIL HOUSE, NEAR M.K.M HIGH SCHOOL PIRAVOM,  
PIRAVOM P.O., ERNAKULAM DISTRICT, PIN - 686664 BY ADV  
GEORGE SEBASTIAN RESPONDENTS:

1 UNION OF INDIA REP. BY ITS SECRETARY, MINISTRY OF  
EXTERNAL AFFAIRS, PATIALA HOUSE, TILAK MARG, NEW DELHI,  
PIN - 110001 2 THE INDIAN HIGH COMMISSION, MALTA 29, TRIQ-  
GALANTON VASSALLO, SANTA VANERA, SVR1901, MALTA. REP.

BY THE HIGH COMMISSIONER. 3 THE REGIONAL PASSPORT OFFICER, REGIONAL PASSPORT OFFICE, PANAMPILLY NAGAR P.O., KOCHI, PIN - 682036 4 THE ERNAKULAM DISTRICT POLICE CHIEF (RURAL), OFFICE OF DISTRICT POLICE CHIEF, OPPOSITE POWER HOUSE, ALUVA, ERNAKULAM, PIN - 683101 5 THE STATION HOUSE OFFICER, PIRAVOM POLICE STATION, PIRAVOM, PIN-686664.

BY ADVS.SRI.S.MANU, DSGI SMT.VIDYA KURIAKOSE, GP THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31.05.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**P.V.KUNHIKRISHNAN, J.**

----- W.P.(C)No. 16769 of 2023  
----- Dated this the 31st day of May, 2023

## **JUDGMENT**

The above writ petition is filed with the following prayers: (i) To issue a writ of mandamus, order or direction to respondents 4 and 5 to issue a conduct certificate in Physical form in respect of the petitioner's son Thomas Abraham at the earliest.

(ii) To dispense with the production of English translation of Vernacular documents.

(iii) To grant such other reliefs as this Honourable Court may deem fit and proper.[SIC]

2. The main prayer in this writ petition is to

issue a direction to respondents 4 and 5 to issue a conduct certificate in Physical form in respect of the petitioner's son Thomas Abraham for producing before the Employer at Malta in connection with the employment. This Court directed the learned Government Pleader to get instructions. The Government Pleader takes

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## **judgment in which the Central Government filed a**

statement. The Government Pleader submitted that the State Government authority including the State Police Department is not authorized to issue good conduct certificate for overseas employment to any country. But Section 59 of the Kerala Police Act says that the Police has to give certificate of non involvement in any offence. If that be the case, the petitioner's son can submit an application before the Station House Officer for getting the certificate of non involvement in any offences in accordance to Section 59 of the Police Act. If such an application is filed, there can be a direction to the Station House Officer to consider the same forthwith and issue necessary certificate to the petitioner's son in accordance with law. Therefore, this writ petition is disposed of in the following manner: i. The petitioner's son is free to submit an application before the 5th respondent in accordance with Section 59 of the Police Act for getting a certificate for non involvement in any offences, forthwith. ii. Once such an application in tune with Section 59 of the Police Act is received, the 5 th respondent will issue necessary certificate in accordance with law, as expeditiously as possible, at any rate, within a period of three days from the date of receipt of the application. Sd/- P.V.KUNHIKRISHNAN DM JUDGE APPENDIX OF WP(C) 16769/2023 PETITIONER EXHIBITS EXHIBIT P1 A TRUE COPY OF THE AADHAR CARD OF THE PETITIONER'S SON EXHIBIT P2 A TRUE COPY OF THE AUTHORIZATION LETTER DATED 23.05.2023 ISSUED BY PETITIONER'S SON BY NAME THOMAS ABRAHAM EXHIBIT P3 A TRUE COPY OF THE CERTIFICATE DATED 20.04.2023 SHOWING THAT THE PETITIONER'S SON HAD COMPLETED PRIVATE GUARD SECURITY COURSE EXHIBIT P4 A TRUE COPY OF THE RELEVANT EXTRACT OF THE COMMUNICATION ISSUED TO THE PETITIONER'S SON BY HIS PROSPECTIVE EMPLOYER EXHIBIT P5 A TRUE COPY OF THE CERTIFICATE OF CONDUCT DATED 19.05.2023 EXHIBIT P6 A TRUE COPY OF THE POLICE CLEARANCE CERTIFICATE DATED 15.05.2023 EXHIBIT P7 A TRUE COPY OF THE JUDGMENT DATED 27.08.2021 IN WP(C) 5930/2018 EXHIBIT P8 A TRUE COPY OF THE CIRCULAR BEARING NO. 15/2022 /PHQ OF STATE POLICE CHIEF

RESPONDENTS EXHIBITS : NIL //TRUE COPY// PA TO JUDGE

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