

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SATHISH NINAN

FRIDAY, THE 31ST DAY OF MARCH 2023 / 10TH CHAITHRA, 1945

WP(C) NO. 8765 OF 2023

PETITIONER:

DR. P P SHIJU
AGED 50 YEARS
S/O PADMANABHAN, PUTHENPURAYIL HOUSE, PUTHUKAD, THATTAMPADI,
NORTH PARAVUR, ERNAKULAM DISTRICT, NOW RESIDING AT
'SREEVALSAM', SANRA A-38, SANKARAN NIAR ROAD, PERUKAVU P.O,
THIRUVANANTHAPURAM, PIN - 695573

BY ADV BIJIMON C.CHERIAN

RESPONDENTS:

- 1 L.B.S CENTRE FOR SCIENCE AND TECHNOLOGY
EXTRA POLICE ROAD, NANDAVANAM, PALAYAM,
THIRUVANANTHAPURAM- 695033 REPRESENTED BY ITS DIRECTOR.
- 2 THE DIRECTOR
L.B.S CENTRE FOR SCIENCE AND TECHNOLOGY, EXTRA POLICE ROAD,
NANDAVANAM, PALAYAM, THIRUVANANTHAPURAM, PIN - 695033
REPRESENTED BY DR. ABDUL RAHIMAN M, THE DIRECTOR IN-CHARGE.

OTHER PRESENT:

SMT.SHAMEENA SALAHUDHEEN, SC, LBS CENTRE FOR SCIENCE AND
TECHNOLOGY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
31.03.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

SATHISH NINAN, J.

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W.P.(C) No.8765 of 2023

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Dated this the 31st day of March, 2023

J U D G M E N T

The petitioner while working as Associate Professor in the Electronics and Communication Engineering (ECE) Department of the LBS Institute of Science and Technology, Institute of Technology for Women at Poojappura, Thiruvananthapuram, was placed under suspension. The suspension was revoked and he was posted at the LBS College of Engineering, Kasaragod, as Associate Professor, ECE Department. As per e-mail dated 05.03.2023, the petitioner sought for posting him at Thiruvananthapuram, in the Institute where he was working. As per Ext.P12, the request was rejected. It is thereupon that the petitioner has approached this Court.

2. The petitioner places reliance on the Medical Certificates- Exts.P8 to P10 to justify his claim for a posting at Thiruvananthapuram.

3. After having heard the learned counsel on either side, I am of the opinion that the first respondent may consider the petitioner's request and pass necessary orders after affording an opportunity of hearing to him with reference to Exts.P8 and P10 medical certificates and such other documents as may be produced by him.

Resultantly, without expressing anything on the merits, the writ petition is disposed of directing the respondents to consider the petitioner's request for transfer and posting at Thiruvananthapuram, after affording the petitioner an opportunity of hearing and with due consideration to the medical certificates and such other documents that may be made available by the petitioner. The order shall be passed dehors Ext.P12. Let orders be passed within a period of one month from the date of receipt of a copy of this judgment.

Sd/-
SATHISH NINAN
JUDGE

APPENDIX OF WP(C) 8765/2023

PETITIONER EXHIBITS

EXHIBIT P1	THE TRUE COPY OF THE RELEVANT PAGE OF THE REGISTER OF PETITIONS DATED 11-03-2022 MAINTAINED IN THE POOJAPPURA POLICE STATION
EXHIBIT2	THE TRUE COPY OF THE MEMO DATED 25-04-2022 ISSUED BY THE PRINCIPAL IN CHARGE WITH ITS TYPED COPY
EXHIBIT P3	THE TRUE COPY OF THE EMAILS DATED 27-09-2022 AND 13-10-2022 SENT BY THE PETITIONER
EXHIBIT P4	THE TRUE COPY OF THE EMAIL DATED 14-11-2022 SENT BY THE 2ND RESPONDENT AND THE ATTACHED NOTICE DATED 11-11-2022
EXHIBIT P5	THE TRUE COPIES OF THE STATEMENTS OF PROSECUTION WITNESSES PW1 TO PW7 SERVED ON THE PETITIONER
EXHIBIT P6	THE TRUE COPY OF THE PROCEEDINGS OF THE ENQUIRY DATED 16.11.2022 SERVED TO THE PETITIONER
EXHIBIT P7	THE TRUE COPY OF THE PROCEEDINGS OF THE ENQUIRY SERVED ON THE PETITIONER DATED 02.03.2023 PASSED BY THE SECOND RESPONDENT
EXHIBIT P8	TRUE COPY OF THE MEDICAL CERTIFICATE ISSUED BY THE KIMS HOSPITAL THIRUVANANTHAPURAM DATED 11.03.2023
EXHIBIT P9	THE TRUE COPY OF THE EEG REPORT OF THE PETITIONER ISSUED FROM KIMS HOSPITAL THIRUVANANTHAPURAM DATED 17-08-2022
EXHIBIT P 10	TRUE COPY OF THE MRI SCAN REPORT OF PETITIONER'S FATHER IN LAW ISSUED FROM 'NEYYAR MEDICITY THIRUVANANTHAPURAM DATED 01.11.2022.
EXHIBIT P11	THE TRUE COPY OF WRITTEN REQUEST SUBMITTED BY THE PETITIONER DATED 08.03.2023 BEFORE THE 2ND RESPONDENT

RESPONDENT ANNEXURES

ANNEXURE R1 (A) A TRUE COPY OF THE ORDER NO.B7/2391/2022
DATED 01/03/2023 ISSUED BY THE DIRECTOR, LBS
CENTRE FOR SCIENCE AND TECHNOLOGY

PETITIONER EXHIBITS

EXHIBIT P 12 THE TRUE COPY OF ORDER ISSUED BY THE 2ND
RESPONDENT TO THE PETITIONER REJECTING HIS
REQUEST DATED 08.03.2023
