

(2022) 11 KL CK 0150
In the High Court Of Kerala
Case No : Writ Petition (C) No. 35602 Of 2022

Arathy K.P

APPELLANT

Vs

Mao College Of Arts And Science Represented By Its' Principal
Elayur, Iruvetty P.O. Areecode, Malappuraam District, Pin
673639

RESPONDENT

Date of Decision : 11-11-2022

Acts Referred:

Citation : (2022) 11 KL CK 0150

Hon'ble Judges : Devan Ramachandran, J

Bench : Single Bench

Advocate : Vivek.P.K, Shyam Kumar M.P, Mohamed Shareef Pariyarath,
K.Rakesh, P.C.Sasidharan

Judgement

Devan Ramachandran, J

1. The petitioners are students in the 1st respondent – “MAO College of Arts and Science”, Areecode, Malappuram ('College' for short) and they have approached this Court since their nominations to the elections in the College Union have been rejected by the Returning Officer on various grounds.
2. Sri.Vivek P.K. - learned counsel for the petitioner, vehemently argued that the reasons stated by the Returning Officer are per se whimsical and capricious and hence, that his clients have been constrained to approach this Court, through this writ petition.
3. On hearing Sri.Vivek.P.K. as afore, I asked Sri.Rakesh.K. - learned counsel for the College, to file their counter pleadings and it has been done today.
4. Going by the said pleadings, the Returning Officer is stated to have rejected the nominations of the petitioners for the common reason that they have not disclosed their “year of the course”; while in one case, there is an additional reason that the proposer’s name is missing and in another, that the initial of the seconder’s name is not shown.

5. I have examined Ext.R3(c) series - which are the nomination papers of the petitioners, and the endorsements made thereon by the Returning Officer.

6. As rightly submitted by Sri.Vivek.P.K., as far as the petitioners are concerned, there is a common objection that they have not shown their "year of the course"; while in the case of Petitioner No.3, an objection has been raised that his proposer's name is missing and in the case of Petitioner No.2, the objection raised is that the initial of the seconder has not been shown.

7. However, it is pertinent that, even to a pointed question from this Court, Sri.Rakesh.R could not show how the non-showing of the "year of the course" is relevant because, it is conceded unreservedly that "semester system" is now being followed. Each of the petitioners have shown the semester in which they are studying and hence, the requirement that they should show the "year of the course" in their nomination can only be superfluous, if not redundant; perhaps because, the format of the nomination papers is as when it was earlier, when the year-wise system was being followed. In fact this aspect is admitted by Sri.Rakesh.R. also.

8. That said, as regards the 2nd petitioner, Sri.Vivek.P.K.- her learned counsel asserts that, name of the seconder has been shown in full and that she does not have any initial; while, in the case of the 3rd respondent, he points out that name of the proposer has been shown, but not against the column meant for it.

9. The nomination papers of the Petitioner Nos. 2 and 3 would show that the afore submissions of Sri.Vivek.P.K. are on terra firma. There is nothing on record to show that the proposer of the 2nd petitioner has an initial attached to her name; and in the case of the 3rd petitioner, the proposer's name has been shown against the area meant for electoral roll number, and not against the one meant for name. However, I am sure that this deficiency is not one that should lead to the nominations being rejected, particularly, when there is no dispute as regards the identity of the proposer, since both his name and his class has been shown.

In the afore circumstances, I order this writ petition and set aside the objections raised by the Returning Officer against the petitioners, as also the rejection of their nominations; with a consequential direction to the College to re-conduct the elections, after showing the names of the petitioners in the ballot papers; and to declare its results as per law, without any avoidable delay.