
(2023) 02 KL CK 0214

In the High Court Of Kerala

Case No : Writ Petition (C).No. 41734 Of 2022

Mrithul Babu T.E

APPELLANT

Vs

University Of Kerala

RESPONDENT

Date of Decision : 21-02-2023

Acts Referred:

Citation : (2023) 02 KL CK 0214

Hon'ble Judges : Sathish Ninan, J

Bench : Single Bench

Advocate : Manu Ramachandran, M.Kiranlal, R.Rajesh, Sameer M Nair, Dhanalakshmi V.K., Geethu Krishnan, Sailakshmi Menon, Thomas Abraham

Final Decision : Disposed Of

Judgement

Sathish Ninan, J.

1. Petitioner is a student in the 5th respondent college. He has approached this Court seeking the following reliefs:

"1) To issue a writ of mandamus, or any appropriate writ or direction directing the respondents 1 to 6 to conduct Students Union Election of NSS College of Arts & Science, Pandalam from the stage it was suspended, at the earliest within a time limit fixed by this Hon'ble Court;

2) To issue a writ of mandamus, or any appropriate writ or direction directing the respondents 1 to 6 to consider Exhibit P7 and Exhibit P8 representations in terms of law, at the earliest within a time limit fixed by this Hon'ble Court;

3) Dispense with the filing of English translation of Exhibits in vernacular;

4) Such other Writ, Orders or Directions deem fit on facts and in the interest of justice."

2. Elections to the 5th respondent College Union was notified as per Ext.P2. In terms of Ext.P2, nominations were to be submitted before 3 pm on 29/11/2022.

It appears that due to some commotion that occurred among the students, the process of election could not continue and was postponed. Ext.R1(a) is the letter dated 03/12/2022 sent by the College to the University intimating the circumstances under which the election was postponed.

3. The learned counsel for the petitioner - Sri.Manu Ramachandran would submit that, the alleged commotion had taken place after 3 pm on 29/11/2022 which was after the time fixed for submission of nominations. To the best of the knowledge of the petitioner, if the nominations that were received are scrutinized, there would not even be the necessity for the conduct of an election as the candidates could be declared elected unopposed. Therefore, the college may be directed to proceed with further steps in terms of the election notification, he urges.

4. The circumstances under which the election happened to be postponed has been noted earlier. It is for the 5th respondent – Principal of the College to look into the situation and take appropriate decision in the matter. I clarify that I have not expressed anything on the merits regarding the contentions of the petitioner.

5. Let a decision be taken by the 5th respondent regarding the further course of action to be taken regarding the elections notified under Ext.P2, within a period of ten days from the date of receipt of a copy of this judgment.

The writ petition is disposed of.