

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN
&
THE HONOURABLE MR.JUSTICE MURALEE KRISHNA S.

Thursday, the 10th day of July 2025 / 19th Ashadha, 1947

WA NO. 1698 OF 2025

ARISING FROM JUDGMENT DATED 27/06/2025 IN WP(C) 3291/2025 OF THIS COURT
APPELLANT(S)/3RD PARTY

DR. V.A. ARUNKUMAR, AGED 55 YEARS S/O. V.S. ACHUTHANANDAN, DIRECTOR-
IN-CHARGE, INSTITUTE OF HUMAN RESOURCES DEVELOPMENT (IHRD), CHACKAI,
PETTAH P.O., THIRUVANANTHAPURAM – 695 024, PERMANENTLY RESIDING AT
VELIKKAKATHU, PUNNAPRA NORTH P.O., ALAPPUZHA, PIN - 688014

BY.ADVS.SRI.N.RAGHURAJ (SR.), RANCE R., VIVEK MENON

RESPONDENT(S)/PETITIONER & RESPONDENTS

1. DR. VINU THOMAS, AGED 52 YEARS, S/O. CHACKO N. THOMAS, NANTHIKATTU HOUSE, NEAR ST. ANTONY'S CHURCH, SHANTHIPURAM-99, THRIKKAKARA P.O., VAZHAKKALA VILLAGE, ERNAKULAM DISTRICT, WORKING AS DEAN (ACADEMIC), APJ ABDUL KALAM TECHNOLOGICAL UNIVERSITY, SCHOOL OF MANAGEMENT BUILDING, CET CAMPUS, THIRUVANANTHAPURAM, PIN - 695016
2. STATE OF KERALA, REPRESENTED BY ITS SECRETARY TO GOVERNMENT, DEPARTMENT OF HIGHER EDUCATION, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM , PIN - 695001
3. DIRECTOR, INSTITUTE OF HUMAN RESOURCES DEVELOPMENT, PRAJOE TOWERS, VAZHUTHACAUD, THIRUVANANTHAPURAM, PIN - 695014
4. PRINCIPAL, MODEL ENGINEERING COLLEGE, THRIKKAKARA, THRIKKAKARA P.O., ERNAKULAM, KOCHI , PIN - 682021

BY.ADV.SRI.BABU JOSEPH KURUVATHAZHA FOR R1

SENIOR GOVERNMENT PLEADER FOR R2

STANDING COUNSEL FOR R3 AND R4

Prayer for interim relief in the Writ Appeal stating that in the circumstances stated in the appeal memorandum, the High Court be pleased to stay the operation and implementation of the judgment dated 27.06.2025 in W.P.(C) NO.3291 of 2025 of the learned Single Judge, pending disposal of the Writ Appeal.

This Writ Appeal coming on for admission on 10.07.2025 upon perusing the appeal memorandum, the court on the same day passed the following:

ANIL K. NARENDRAN & MURALEE KRISHNA S., JJ.

W.A.No.1698 of 2025

Dated this the 10th day of July, 2025

ORDER

Anil K. Narendran, J.

This writ appeal arises out of the judgment of the learned Single Judge dated 27.06.2025 in W.P.(C)No.3291 of 2025. The appellant is a third party to that writ petition, who has been granted leave to file an appeal by the order dated 07.07.2025 in I.A.No.1 of 2025.

2. The writ appeal filed by the respondents 2 and 3 in W.P.(C)No.3291 of 2025 challenging the very same judgment has already been admitted on file and interim order granted on 07.07.2025. The interim order dated 07.07.2025 in W.A.No.1595 of 2025 reads thus:

"During the course of arguments, the learned Standing Counsel for IHRD would point out the specific finding in Ext.P15 judgment of this Court dated 25.10.2024 in W.A.No.1698 of 2024 - **Director, IHRD v. Dr. Vinu Thomas [2024 (7) KHC 190]**, wherein the Division Bench, in which one among us [Anil K. Narendran, J.] was a party, held that, when the entitlement of the 1st respondent herein, as per the provisions contained in clause (a) of sub-rule (2) of Rule 15 of the Kerala Civil Services (Classification, Control and Appeal) Rules, 1950, is only to peruse or take extract from the records pertaining to the case, for the purpose of preparing his written statement, he cannot seek a writ of mandamus commanding the Director, IHRD to issue copy of the audit reports, since no mandamus can be issued directing the authority to do

something which is contrary to the statutory provisions contained in Rule 15.

2. The submission made by the learned counsel for the 1st respondent-writ petitioner is that, instead of getting a copy of audit reports, one of the reliefs sought for by the writ petitioner in W.P.(C)No.3291 of 2025 is a writ of mandamus commanding the Director, IHRD to collect the extracts of the documents relied upon in Ext.P11 memo of charges and statement of allegations, digitally/electronically.

3. Having considered the preliminary arguments advanced by the learned Standing Counsel for IHRD for the appellants, the learned counsel for the 1st respondent-writ petitioner and also the learned Senior Government Pleader, we find that the appellants have made out a *prima facie* case for grant of an interim stay of the direction contained in paragraph 7 of the impugned judgment dated 27.06.2025 of the learned Single Judge in W.P.(C)No.3291 of 2025, whereby the 1st respondent herein-writ petitioner is allowed to take digital copy of the relevant pages of the aforesaid records.

4. Admit.

5. The learned counsel for the takes notice for the 1st respondent-writ petitioner and the learned Senior Government Pleader for the 2nd respondent.

6. There will be an interim stay of the operation of the judgment dated 27.06.2025 in W.P.(C)No.3291 of 2025 of the learned Single Judge to the extent of directing the appellants herein to allow the 1st respondent herein-writ petitioner to take digital copy of the relevant pages of the records referred to Ext.P11 memo of charges and statement of allegations, for a period of one month."

3. Having heard the preliminary arguments by the learned Senior Counsel for the appellant, the learned counsel for the 1st respondent-writ petitioner, the learned Senior Government Pleader for the 2nd respondent and also the learned Standing Counsel for IHRD for respondents 3 and 4, we find that the appellant has made out a *prima facie* case.

4. Admit.

5. Adv. Babu Joseph Kuruvathazha, the learned counsel, takes notice for the 1st respondent, the learned Senior Government Pleader for the 2nd respondent and the learned Standing Counsel for IHRD for respondents 3 and 4.

6. The learned counsel for the 1st respondent-writ petitioner seeks three weeks' time to file counter affidavit in the writ appeal.

7. Having considered the pleadings and materials on record and also the submissions made at the Bar, there will be an interim stay of the operation of the judgment of the learned Single Judge to the extent of the directions contained in paragraph 8, for a period of one month.

List on 01.08.2025 along with W.A.No.1595 of 2025.

Sd/-

ANIL K. NARENDRA, JUDGE

Sd/-

MURALEE KRISHNA S., JUDGE

DSV/-