

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR
&
THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

Wednesday, the 16th day of March 2022 / 25th Phalgun, 1943
WP(C) NO. 14170 OF 2021(S)

PETITIONER:

JAFFER KHAN, AGED 52, S/O. OUKKAR HAJI,
KARUVELIL HOUSE, ARAKKAPPADI VILLAGE, VENGOLA P.O. -683547.

RESPONDENTS:

1. STATE OF KERALA, REP. BY SECRETARY, DEPARTMENT OF HOME AFFAIRS, GOVERNMENT SECRETARIAT, TRIVANDRUM-695001.
2. THE SECRETARY, DEPARTMENT OF HOME AFFAIRS(DELETED), GOVERNMENT SECRETARIAT, TRIVANDRUM-695001.
3. THE ADDITIONAL SECRETARY, DEPARTMENT OF HOME AFFAIRS(DELETED), GOVERNMENT SECRETARIAT, TRIVANDRUM-695001. RESPONDENTS NO 2 AND 3 ARE DELETED FROM THE ARRAY OF PARTIES AS PER ORDER DATED 22-07-2021 IN WPC.
4. THE STATE POLICE COMPLAINTS AUTHORITY, REP. BY CHAIRMAN, COTTON HILL, VAZHUTHACAUD, TRIVANDRUM-695014.
5. THE SECRETARY, THE STATE POLICE COMPLAINTS AUTHORITY, COTTON HILL, VAZHUTHACAUD, TRIVANDRUM-695014.
6. THE STATE POLICE CHIEF, KERALA STATE, POLICE HEAD QUARTERS, VELLAYAMBALAM, TRIVANDRUM-695010.

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to direct the respondents to complete the process of appointment of independent Chief Investigating Officer to assist the State Police Complaint Authority, in accordance with the notification under Exhibit P10 and the proceedings initiated there under, during the pendency of this writ petition, in the interest of justice

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and this Court's order dated 30.11.2021 and upon hearing the arguments of M/S.PRAVEEN K.JOY, T.A.JOY, E.S.SANEEJ, M.P.UNNIKRISHNAN, M.K.SAMYUKTHA, N.ABHILASH & DEEPU RAJAGOPAL, Advocates for the petitioner, SRI.V. MANU, SENIOR GOVERNMENT PLEADER & SRI.T.B. HOOD, SPECIAL GOVERNMENT PLEADER for R1, SRI.V. MANU, SENIOR GOVERNMENT PLEADER R4 to R6, the court passed the following:

P.T.O.

S. MANIKUMAR, C. J. & SHAJI P. CHALY, J.

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W. P. (C) No. 14170 of 2021

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Dated this the 16th day of March, 2022

ORDER

S. Manikumar, C. J.

Having regard to the rival submissions and the need for appointment of the Chief Investigating Officer (CIO) in the State Police Complaints Authority (SPCA) in Kerala, by order dated 13.08.2021, we directed the Secretary to the Government, Department of Home, Thiruvananthapuram, the 1st respondent, to speed up the reconstitution of the selection committee, and finalize the selection to the post of Chief Investigating Officer, within three weeks from 13.08.2021.

2. Contending inter alia that though a notification was issued, there were no eligible candidates, and therefore, a need arose to revisit the qualification / remuneration, extension of time was sought for.

3. After taking note of the documents, by order dated 30.11.2021, we granted three months time from 11.11.2021 to pass appropriate orders on the proposals submitted for revising the qualification /

remuneration, and based on the decision, issue appropriate notification inviting application for eligible candidates, and thereafter, complete the process of selection and issue orders of appointment, within three months from 11.11.2021.

4. While doing so, we also made it clear that sufficient time has been taken and no further extension of time would be granted. Thus, we ordered that the directions issued should be implemented in letter and spirit.

5. On this day, when the matter came up for hearing, Mr. V. Manu, learned Senior Government Pleader, submitted that after revising the qualifications, a notification dated 15.03.2022 has been issued by Government of Kerala, Home (SS A) Department, Thiruvananthapuram, inviting applications for filling up the post of Chief Investigating Officer in the State Police Complaints Authority, in line with G. O. (Rt) No. 691/2022/Home dated 15.03.2022, by which qualifications have been finalized. He further submitted that entire selection process would be completed within a reasonable time.

7. Perusal of the notification shows that the last date for submission of the applications for scrutiny is 31.03.2022 (05:00 p.m.).

8. Though Mr. V. Manu, learned Senior Government Pleader, submitted that steps have been taken promptly to implement the directions issued by this Court, we are not in agreement with the said submission for reason that 3 months time granted by this Court for completing the whole process has already expired, and when the matter is listed today, a notification dated 15.03.2022 is produced, as if the respondents were prompt in implementing the directions of this Court, within the stipulated time. Judicial notice can be taken that extension petitions are filed as a matter of routine.

Mr. V. Manu, learned Senior Government Pleader, seeks time to file an affidavit, explaining reasons for the delay,

Post on 25.03.2022.

Sd/-
S. MANIKUMAR
CHIEF JUSTICE

Sd/-
SHAJI P. CHALY
JUDGE

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