

It Is For Principal To Raise Before Police Any Law & Order Situation In College: Kerala High Court Denies Protection To Part-Time Lecturer

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**IN THE HIGH COURT OF KERALA AT ERNAKULAM
ANU SIVARAMAN, J.**

W.P. (C) No. 31161 of 2022; 1st November, 2022

MATHEW P THOMAS *versus* STATE OF KERALA

Petitioner by Advs. Liju v. Stephen, Indu Susan Jacob

Respondents: Latha Susan Cherian, George A. Cherian, T.K. Shajahan Sr. GP, K.S. Santhi

J U D G M E N T

This writ petition is filed seeking the following prayers:

“i) To issue a writ of mandamus or any other appropriate writ order or direction directing the respondents 2 to 4 to grant adequate police protection to the life of the petitioner for entering the College and taking classes in St.Thomas College, Kozhencherry.

ii) To issue a writ of mandamus or any other appropriate writ, order or direction directing the respondents 2 to 4 to consider Exhibits P4 to P6 representations filed by the petitioner in accordance with law.”

2. Heard the learned counsel for the petitioner, the learned Government Pleader as well as the learned counsel appearing for the 5th respondent. Though notice was duly taken out to the 6th respondent, there is no appearance for the 6th respondent.

3. It is submitted by the learned counsel for the petitioner that the petitioner is a practicing advocate and a part time lecturer in the St.Thomas College, Kozhencherry. It is submitted that when the petitioner had questioned the unauthorized absence of two girl students in his class, a false and frivolous complaint was raised by one of the students and the petitioner was placed under suspension. It is submitted that after conduct of an enquiry by the Internal Complaints Committee, the suspension was revoked and the petitioner was permitted to resume duty. But now the 6th respondent-Union and their members are harassing and threatening the life of the petitioner and preventing him from entering the college and from taking classes. It is submitted that the requests and representations filed by the petitioner before respondents 2 to 4 have not evoked any response.

4. A counter affidavit has been placed on record by the 5th respondent denying the allegations raised and contending that, on a complaint made by certain students, an Internal Complaints Committee was constituted and a report was submitted as Ext.R5(a) on 17.05.2022. It is submitted that an extremely lenient view of the matter was taken by the Management even in spite of the findings in Ext.R5(a) and considering the long service of the petitioner and his age, imposed only a suspension on the petitioner for two months. It is submitted that after reopening of the College and starting of classes for First year B.Com, the petitioner again started taking classes, but there were further provocations from the side of the petitioner through social media and otherwise which is the reason why there have been unpleasant situations in the petitioner’s classes alone. It is specifically pleaded that the agitation by certain students of the College was properly dealt with by the College Authorities and the Staff Council and that the students had not created any law and order situations and had agreed to abide by the directions of the Principal and not cause any breach of discipline. It is submitted that the petitioner is provoking the students and creating unpleasant situations by sending messages through social media and he is

provoking the students resulting in unpleasant situations. It is specifically contended in the counter affidavit filed on behalf of the 5th respondent at paragraph No.9 therein as follows:

“9. The allegations in paragraph 5 are not correct. There will not be any detention or strike on the part of the students. But the conduct of the petitioner towards the students is far from satisfactory. He is provoking them and wants to cause confusion in the college. The allegation that the 6th respondent unit is harassing the petitioner and petitioner is unable to conduct lawful duties is not correct and hence denied. There is no such situation in the college.”

5. The learned counsel for the petitioner places reliance on a decision of a Division Bench of this Court in **St.Thomas College, Kozhencherry v. Sub Inspector of Police and others** wherein police assistance was directed for the smooth conduct of classes in the College so that there is a peaceful atmosphere and students are able to study and staff are able to take classes without any obstructions.

6. The learned Government Pleader has also placed a report submitted by the Station House Officer, Aranmula Police Station on record along with a memo. The report would show that the issue which arose when the petitioner attempted to take classes after his suspension was revoked stood settled at the instance of the Principal and the Staff Council and that there are absolutely no law and order problems in the college, at present.

Having considered the contentions advanced and in view of the affidavit placed on record by the 5th respondent, who is none other than the Principal of the College, and the report made available by the Station House Officer, I am of the opinion that the prayers as sought for in the writ petition cannot be granted. In case there is any law and order situation prevalent in the College, it is apparently for the Principal to raise such issues before the police and the contention of the petitioner which is specifically denied, on affidavit, by the Principal of the College, therefore, cannot be accepted. The writ petition thus fails and the same is, accordingly, dismissed.

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