

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE AMIT RAWAL

Saturday, the 4th day of December 2021 / 13th Agrahayana, 1943
WP(C) NO. 27639 OF 2021(D)

PETITIONER:

DR. SWAPNA GOPINATH, D/O.GOPINATH V, RESIDING AT 'LAKSHMI', TC
30/1881/1, PETTAH P.O., THIRUVANANTHAPURAM-695 024.

RESPONDENTS:

1. THE PRINCIPAL, SREE NARAYANA COLLEGE, CHEMBAZHANTHY,
THIRUVANANTHAPURAM-695 587.
2. THE MANAGER, SREE NARAYANA COLLEGE, CHEMBAZHANTHY,
THIRUVANANTHAPURAM-695 587.
3. INTERNAL COMPLAINTS COMMITTEE, REPRESENTED BY ITS PRESIDING OFFICER,
SREE NARAYANA COLLEGE, CHEMBAZHANTHY, THIRUVANANTHAPURAM-695 587.
4. UNIVERSITY GRANTS COMMISSION (UGC), REPRESENTED BY ITS SECRETARY,
BAHADUR SHA ZAFAR MARG, NEW DELHI-110 002.

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 respondent to keep in abeyance Ext.P1 report, pending disposal of the above writ petition, in the interest of justice.

This petition coming on for admission upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of M/S RAGHUL SUDHEESH, K.J.GLAXON, J.LAKSHMI & XAVIER THOMAS V.T, Advocates for the petitioner, SRI.M.S. RADHAKRISHNAN NAIR, Advocate for the respondent 1 (B/O), SRI.RAJAN BABU, Advocate for the respondent 2 (B/O) and of RI.S.KRISHNAMOORTHY (B/O), Advocate for the respondent 4, the court passed the following:

AMIT RAWAL, J.

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Dated this the 04th day of December, 2021

ORDER

In the report dated 19.10.2021, Internal Compliance Committee of Sree Narayana College, Chempazhanchy, Thiruvananthapuram, as per the complaint preferred by students against one Sri.Abilash.T., Assistant Professor of Political Science Department on the basis of an audio recording, has given certain observations against five faculty members, out of which, petitioner is the former employee and in paragraph No.8 suggested in the following manner:

"8. ICC noted the undesirable role played by former faculties of the college Arya and Dr.Swapna Gopinath. We wonder how the old faculties of this college can still monitor the students. Executive Authority of the HEI may file an official complaint to the appropriate authorities to restrict these kind of activities."

2. Sri.Xaviour Thomas V.T., learned counsel appearing on behalf of the petitioner submits that such observations are a blatant violation of the administrative law that none should be condemned unheard. No doubt so far no notice has been received but observations are required to be expunged or declared *obiter*. Many

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other sitting faculty members have already been served with the notices Exts.P3 to P7.

3. Sri.Rajan Babu, learned counsel appearing for respondent No.2 submits that there is no finding against the petitioner and therefore the writ petition is premature.

4. Issue notice before admission. Sri.M.S.Radhakrishnan Nair accepts notice for respondent No.1. Sri.Rajan Babu accepts notice for respondent No.2. Sri.S.Krishnamoorthy accepts notice for respondent No.4. Issue notice to respondent No.3 by speed post.

5. In the meantime, there shall be interim stay qua the observations recorded against the petitioner in the report till further orders.

Registry is directed to tag this case along with the pending writ petitions preferred by various students, W.P.(C).No.23694/2021 as well as W.P.(C).No.24806/2021 and connected matters.

H/O

Sd/-
AMIT RAWAL, JUDGE

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- Exhibit P1 TRUE COPY OF THE ICC REPORT DATED 19.10.2021.
- Exhibit P3 TRUE COPY OF THE MEMO ISSUED TO DR. MANU REMAKANT DATED 18.10.2021.
- Exhibit P4 TRUE COPY OF THE MEMO ISSUED TO REMYA C.R. DATED 18.10.2021.
- Exhibit P5 TRUE COPY OF THE MEMO ISSUED TO SANGEETHA HARIHARAN DATED 18.10.2021.
- Exhibit P6 TRUE COPY OF THE MEMO ISSUED TO DR. LEKHA N. B. DATED 18.10.2021.
- Exhibit P7 TRUE COPY OF THE MEMO ISSUED TO LAKSHMI A.J. DATED 18.10.2021.

