

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 19TH DAY OF JANUARY 2016/29TH POUSHA, 1937

WP(C).No. 34512 of 2015 (L)

PETITIONER(S)/PETITIONER:

DR.THOMAS KOIPARAMPIL MD DMRT(RADIATION ONCOLOGY)  
AGED 61 YEARSS/O.SEBASTIAN JOSEPH  
ASSOCIATE PROFESSOR, DIVISION OF RADIOTHERAPY  
REGIONAL CANCER CENTRE, TRIVANDRUM  
PIN 695011 AND R/A.13/1608(1)BRERA-7, BRERA ROAD  
KUMARAMPURAM, MEDICAL COLLEGE P O, THIRUVANANTHAPURAM  
PIN 695011

BY ADVS.SRI.S.SREEKUMAR (SR.)  
SRI.P.MARTIN JOSE  
SRI.P.PRIJITH  
SRI.THOMAS J.ANAKKALLUNKAL  
SRI.AJAY BEN JOSE

RESPONDENT(S)/RESPONDENTS:

1. THE STATE OF KERALA  
REP BY ITS SECRETARY(HEALTH &  
FAMILY WELFARE DEPT)GOVERNMENT  
SECRETARIAT, THIRUVANANTHAPURAM 695001
2. THE HON'BLE CHIEF MINISTER OF KERALA & CHAIRMAN,  
THE GOVERNING BODY, REGIONAL CANCER CENTRE, GOVERNMENT  
SECRETARIAT, THIRUVANANTHAPURAM 695001
3. THE REGIONAL CANCER CENTRE  
THIRUVANANTHAPURAM, PIN 695011, REP BY DIRECTOR
4. THE DIRECTOR  
THE REGIONAL CANCER CENTRE, TRIVANDRUM, PIN 695011

R3,R4 BY ADV. SRI.ABDUL KHARIM, SC, REGIONAL CANCER CENTRE  
R3,R4 BY ADV. SRI.M.SREEKUMAR, SC, REGIONAL CANCER CENTRE  
R3,R4 BY ADV. SRI.K.JAJU BABU (SR.)  
R BY GOVERNMENT PLEADER SMT M J RAJASREE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
19-01-2016, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

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EXT.P1:-TRUE COPY OF INVITATION ISSUED BY THE 3RD RESPONDENT IN 2009 FOR APPOINTMENT TO THE POST OF DIRECTOR

EXT.P2:-TRUE COPY OF REPRESENTATION DTD 10/10/2015 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT

EXT.P3:-TRUE COPY OF LETTER DTD 9/3/1999 ISSUED BY THE SUB DIVISIONAL MAGISTRATE,ALAPPUZHA TO THE REGISTRAR OF NEWS PAPER FOR INDIA NEW DELHI

EXT.P4:-TRUE COPY OF LETTER DTD 29/11/1999 ISSUED BY THE REGISTRAR OF NEWS PAPER INDIA TO THE SUB DIVISIONAL MAGISTRATE

EXT.P5:-TRUE COPY OF DECLARATION ON 31/12/1999 SUBMITTED BY SRI K A JOSEY

EXT.P6:-TRUE COPY OF LETTER DTD 22/3/1999 ISSUED BY THE JOINT DIRECTOR GENERAL OF FOREIGN TRADE

EXT.P7:-TRUE COPY OF CIRCULAR DTD 15/10/1999 ISSUED BY THE 4TH RESPONDENT

EXT.P8:-TRUE COPY OF LETTER DTD 20/12/1999 ISSUED BY THE DEPARTMENT OF TOURISM

EXT. P9:-TRUE COPY OF LETTER DTD 10/2/1999 ISSUED BY THE NATIONAL AGENCY FOR ISBN

EXT.P10:-TRUE COPY OF LETTER DTD 14/3/2000 ISSUED BY THE INDIAN NATIONAL SCIENTIFIC DOCUMENTATION CENTRE TO THE PETITIONER

EXT.P11:-TRUE COPY OF WRITTEN STATEMENT IN OS NO 356/2004 DTD 31/8/2004 FILED BY THE 4TH RESPONDENT BEFORE THE SUB COURT, ERNAKULAM

EXT.P12:-TRUE COPY OF LETTER DTD 18/5/2009 ISSUED BY THE 3RD RESPONDENT TO THE 1ST RESPONDENT

EXT.P13:-TRUE COPY OF FORWARDING ENDORSEMENT DTD 7/10/2011 ISSUED BY THE VIGILANCE & ANTI-CORRUPTION BUREAU

EXT.P14:-TRUE COPY OF DIPLOMA OF HONOUR DTD 2/9/2008 AWARDED TO THE PETITIONER BY THE UNIVERSITY OF PATRAS

EXT.P15(a) to (i):-TRUE COPIES OF CERTIFICATES, CERTIFYING THE PETITIONER ATTENDED THE CEREMONIES

RESPONDENT(S)' EXHIBITS

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EXT.R4(a): TRUE COPY OF ORDER NO. G.O(RT) NO.2802/2014/H&FWD DT 16.8.2014

TRUE COPY

P.A TO JUDGE

K. VINOD CHANDRAN, J

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W.P(C) No. 34512 of 2015  
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Dated this the 19<sup>th</sup> day of January, 2016

J U D G M E N T

The petitioner, an Associate Professor with the 3<sup>rd</sup> respondent has filed the writ petition claiming appointment as a Director and also promotion which has been interdicted allegedly due to a pending vigilance case. The learned Standing Counsel for the 3<sup>rd</sup> respondent appears and submits that there is presently an incumbent occupied in the post of Director and his term would expire only on 23.08.2017. In the circumstance of there being no vacancy at all, there would be no necessity to consider the first prayer of the petitioner.

2. The 2<sup>nd</sup> prayer is the consideration of promotion which has also been raised in Ext.P2 representation filed before the 3<sup>rd</sup> respondent, who is the Chairman of the Governing Body.

3. The learned Standing Counsel submits that the Governing Body meets only once in an year and that the affairs are

usually carried on by the Executive Council, which is headed by the Secretary, Health and Family Welfare Department. In such circumstance, the 3<sup>rd</sup> respondent shall place Ext.P2 before the Executive Council who shall consider the same within a period of six weeks from the date of receipt of a certified copy of this judgment. It is made clear that this Court has not made any observation on the merit and direction to expedite the consideration is only on account of the petitioner's impending retirement and the submission of the learned Senior Counsel appearing for the petitioner that the vigilance case has already been closed. The petitioner shall also be issued with a notice of hearing before a decision is taken.

Writ petition would stand disposed of with the above observations. No costs.

SD/-

(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge

WP(C) No. 34512/2015

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