

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

TUESDAY, THE 1<sup>ST</sup> DAY OF NOVEMBER 2022 / 10TH KARTHIKA, 1944

WP(C) NO. 31161 OF 2022

PETITIONER:

MATHEW P THOMAS  
AGED 57 YEARS  
S/O. T.THOMAS, (PART TIME LAW LECTURER, ST.THOMAS  
COLLEGE, KOZHENCHERRY, PATHANAMTHITTA) RESIDING AT  
PUTHENVEETIL CHURCH VIEW, ELANTHOOR P.O  
PATHANAMTHITTA, PIN- 689 643.  
BY ADVS.  
LIJU.V.STEPHEN  
INDU SUSAN JACOB

RESPONDENTS:

- 1 STATE OF KERALA  
REPRESENTED BY THE SECRETARY, HOME DEPARTMENT,  
SECRETARIAT, THIRUVANANTHAPURAM, PIN- 695 001.
- 2 DISTRICT POLICE CHIEF,  
PATHANAMTHITTA DISTRICT HEAD QUARTERS, PATHANAMTHITTA.
- 3 DEPUTY SUPERINTENDENT OF POLICE,  
KOZHENCHERRY, PATHANAMTHITTA - 689 641.
- 4 STATION HOUSE OFFICER,  
ARANMULA POLICE STATION, KOZHENCHERRY,  
PATHANAMTHITTA-689 641.
- 5 THE PRINCIPAL-IN-CHARGE,  
ST.THOMAS COLLEGE, KOZHENCHERRY, KOZHENCHERRY P.O  
PATHANAMTHITTA, PIN - 689 641
- 6 STUDENTS FEDERATION OF INDIA (SFI),  
REPRESENTED BY COLLEGE UNIT PRESIDENT ST.THOMAS  
COLLEGE, KOZHENCHERRY, PATHANAMTHITTA, PIN - 689 641.  
LATHA SUSAN CHERIAN  
GEORGE A.CHERIAN  
T.K.SHAJAHAN-SR.GP  
K.S.SANTHI

THIS WRIT PETITION (CIVIL) HAVING BEEN HEARD ON 21.10.2022,  
THE COURT ON 01.11.2022 DELIVERED THE FOLLOWING:

**ANU SIVARAMAN, J**

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**W.P.(C).No.31161 of 2022**

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**Dated this the 1<sup>st</sup> day of November, 2022**

**JUDGMENT**

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 5<sup>th</sup> respondent. Though notice was duly taken out to the 6<sup>th</sup> respondent, there is no appearance for the 6<sup>th</sup> 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 6<sup>th</sup> 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 5<sup>th</sup> 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 5<sup>th</sup> 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 6<sup>th</sup> 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 5<sup>th</sup> 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.

Sd/ -

**ANU SIVARAMAN**  
**JUDGE**

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APPENDIX OF WP(C) 31161/2022

**PETITIONER'S EXHIBITS**

- Exhibit P1** TRUE COPY OF THE NOTICE DATED 3-6-2022 ISSUED BY THE 5TH RESPONDENT, COLLEGE TO THE PETITIONER
- Exhibit P2** TRUE COPY OF THE APPEAL MEMORANDUM DATED 25-6-2022 FILED BY THE PETITIONER BEFORE THE EXECUTIVE AUTHORITY OF THE 5TH RESPONDENT, COLLEGE
- Exhibit P3** TRUE COPY OF THE ORDER DATED 25-7-2022 ISSUED BY THE MANAGER, ST. THOMAS COLLEGE, KOZHENCHERRY
- Exhibit P4** TRUE COPY OF THE REPRESENTATION DATED 20-9-2022 MADE BY PETITIONER TO 2ND RESPONDENT THROUGH PROPER CHANNEL
- Exhibit P5** TRUE COPY OF THE REPRESENTATION DATED 20-9-2022 MADE BY PETITIONER TO 3RD RESPONDENT THROUGH PROPER CHANNEL
- Exhibit P6** TRUE COPY OF THE REPRESENTATION DATED 20-9-2022 MADE BY PETITIONER TO 4TH RESPONDENT THROUGH PROPER CHANNEL.

**RESPONDENTS' EXHIBITS**

- Exhibit R5(a)** TRUE COPY OF THE REPORT OF INTERNAL COMPLAINTS COMMITTEE.