

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

TUESDAY, THE 12TH DAY OF DECEMBER 2017/21ST AGRAHAYANA, 1939

WP(C).No. 32325 of 2017 (M)

PETITIONER(S) :

1. SEBASTIAN T.JOSEPH,
S/O.LATE T.V.JOSEPH, AGED 59 YEARS,
THE PRINCIPAL, ST.THOMAS CENTRAL SCHOOL,
MUKKOLAKKAL, THIRUVANANTHAPURAM- 695 043.
2. DR.RAJAN VARGHESE,
S/O.LATE K.V.VARGHESE, AGED 64 YEARS,
SECRETARY, MAR THOMA CHURCH EDUCATIONAL SOCIETY,
MUKKOLAKKAL, THIRUVANANTHAPURAM- 695 043.

BY SRI.S.SREEKUMAR (SENIOR ADVOCATE)
ADVS. SRI.P.MARTIN JOSE
SRI.R.V.SREEJITH
SRI.P.PRIJITH
SRI.THOMAS P.KURUVILLA
SRI.R.GITHESE
SRI.MANJUNATH MENON

RESPONDENT(S) :

1. KERALA STATE COMMISSION FOR PROTECTION OF CHILD RIGHTS, T.C 14/2036, VANROSS JUNCTION, KERALA UNIVERSITY P.O., THIRUVANANTHAPURAM- 34, REPRESENTED BY ITS REGISTRAR.
2. ARJUN MITRA,
MINOR REPRESENTED BY HIS FATHER,
ARUN MITRA ADVIKA, PRA-4, MEDICAL COLLEGE P.O., THIRUVANANTHAPURAM- 695 011.
3. THE DISTRICT CHILD PROTECTION OFFICER,
POOJAPPURA, THIRUVANANTHAPURAM- 695 012.

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4. THE REGIONAL OFFICER,
CENTRAL BOARD OF SECONDARY EDUCATION,
LIC BUILDINGS, PATTOM, THIRUVANANTHAPURAM- 695 004.

R1 BY ADV. SRI.A.DINESH RAO

R2 BY ADVS. SRI.PIRAPPANCODE V.S.SUDHIR
SRI.JELSON J.EDAMPADAM

R3 BY SR.GOVERNMENT PLEADER SRI.SANTHOSH PETER

R4 BY ADV. SRI.NIRMAL S., S.C

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 06-12-2017, THE COURT ON 12-12-2017 DELIVERED
THE FOLLOWING:**

Msd.

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APPENDIX

PETITIONER(S)' EXHIBITS :

- EXHIBIT P1: TRUE COPY OF APPLICATION FROM SUBMITTED BY THE PARENTS OF 2ND RESPONDENT.**
- EXHIBIT P2: TRUE COPY OF COMPLAINT SUBMITTED BY ONE MS.RAJASREE K.S, TEACHER, DATED 21.07.2017 BEFORE THE PETITIONERS.**
- EXHIBIT P3: TRUE COPY OF DECISION OF THE ST.THOMAS CENTRAL SCHOOL DATED 21.07.2007.**
- EXHIBIT P4: TRUE COPY OF WRITTEN APOLOGY SUBMITTED BY THE 2ND RESPONDENT DATED 24.07.2017 BEFORE THE 1ST PETITIONER.**
- EXHIBIT P5: TRUE COPY OF WRITTEN APOLOGY SUBMITTED BY THE ASWINI A.S. DATED 24.07.2017 BEFORE THE 1ST PETITIONER.**
- EXHIBIT P6: TRUE COPY OF WRITTEN REQUEST DATED 11.08.2017 OF THE PARENTS OF THE 2ND RESPONDENT.**
- EXHIBIT P7: TRUE COPY OF ORDER OF SUSPENSION DATED 11.09.2017 ISSUED BY THE ST.THOMAS CENTRAL SCHOOL.**
- EXHIBIT P8: TRUE COPY OF MEMO OF CHARGES DATED 22.09.2017 ISSUED BY THE DISCIPLINARY COMMITTEE.**
- EXHIBIT P9: TRUE COPY OF WRITTEN APOLOGY DATED 25.09.2017 SUBMITTED BY ASWINI.A.S AND HER PARENTS BEFORE THE 1ST PETITIONER.**
- EXHIBIT P10: TRUE COPY OF WRITTEN EXPLANATION DATED 26.09.2017 SUBMITTED BY THE 2ND RESPONDENT AND HIS PARENTS.**
- EXHIBIT P11: TRUE COPY OF NOTICE DATED 03.10.2017 ISSUED BY THE ENQUIRY COMMISSION TO THE 2ND RESPONDENT.**
- EXHIBIT P12: TRUE COPY OF SUMMONS DATED 17.08.2017 ACCOMPANIED WITH THE COPY OF THE COMPLAINT DATED 16.08.2017 OF THE 2ND RESPONDENT.**
- EXHIBIT P13: TRUE COPY OF REPORT DATED 07.09.2017 SUBMITTED BY THE 1ST PETITIONER.**
- EXHIBIT P14: TRUE COPY OF SUMMONS DATED 14.09.2017 ISSUED BY THE 1ST RESPONDENT TO THE 1ST PETITIONER TO APPEAR ON 18.09.2017.**
- EXHIBIT P15: TRUE COPY OF INTERIM ORDER DATED 03.10.2017 IN CRMP NO.8506/01-C/LA1/2017/KESCPCR.**

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**EXHIBIT P16: TRUE COPY OF CONVENTION ON THE RIGHTS OF THE CHILD
ADOPTED AND RATIFIED BY THE GOVERNMENT.**

RESPONDENT(S)' EXHIBITS :

- EXHIBIT R2(A): TRUE COPY OF THE COMPLAINT GIVEN BY
THE 2ND RESPONDENT, TO THE 1ST RESPONDENT.**
- EXHIBIT R2(B): TRUE COPY OF THE REPLY OF GIVEN BY
THE 2ND RESPONDENT, TO THE CHARGE SHEET.**
- EXHIBIT R2(C): TRUE COPY OF THE REPLY OF THE 2ND RESPONDENT'S
FRIEND, TO THE CHARGE SHEET.**
- EXHIBIT R2(D): TRUE COPY OF THE REQUEST DATED 05.10.2017
SUBMITTED BY THE FATHER OF THE 2ND RESPONDENT
TO THE PRINCIPAL.**
- EXHIBIT R2(E): TRUE COPY OF THE LETTER DATED 15.11.2017 ISSUED BY
THE 1ST PETITIONER.**
- EXHIBIT R2(F): TRUE COPY OF THE ENQUIRY REPORT APPENDED ALONG
WITH EXT.R2(E).**
- EXHIBIT R2(G): TRUE COPY OF THE REPLY DATED 17.11.2017 GIVEN BY
THE 2ND RESPONDENT TO THE PRINCIPAL, ST.THOMAS
CENTRAL SCHOOL.**
- EXHIBIT R2(H): TRUE COPY OF THE A LETTER DATED 22.11.2017 OF
THE PETITIONERS.**
- EXHIBIT R2(I): TRUE COPY OF THE REPLY DATED 23.11.2017 GIVEN BY
THE 2ND RESPONDENT TO EXT.R2(H) LETTER.**

//TRUE COPY//

P.S.TO JUDGE.

Msd.

SHAJI P. CHALY, J.

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Dated this the 12th day of December, 2017

JUDGMENT

The 1st petitioner in the writ petition is the Principal of St. Thomas Central School, Thiruvananthapuram, and the 2nd petitioner is the Secretary of the Mar Thoma Church Educational Society under which the school is functioning. Petitioners seek to quash Ext.P15 order passed by the 1st respondent dated 03.10.2017, whereby an interim relief is granted in favour of the 2nd respondent, enabling the 2nd respondent to attend the class, continue his education and enjoy other related reliefs, which read thus:

"The first respondent shall permit the complainant child to attend the class and continue his education. He shall be given sufficient time and topics to complete his internal assessment on various subjects and a fair assessment of the same shall be done from the school, without any discrimination or harassment by anyone. The child's father shall make a formal request to the 1st respondent for the above purpose along with a copy of this order. The 5th respondent shall enquire into the matter and file a detailed report within 15 days."

2. Material facts for the disposal of the writ petition are as follows:

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3. Second respondent obtained admission in the school in Class XI during the academic year 2016-2017, and is now in the XII standard. On 21.07.2017, a teacher submitted Ext.P2 report to the 1st petitioner narrating that the 2nd respondent hugged a girl student in front of the teachers and other students in the school. According to the petitioners, after the said incident, both the students are not attending the classes. As per the recommendation of the disciplinary committee of the school, parents of both the students were summoned by the 1st petitioner, and they submitted Exts.P4 and P5 admitting the incident.

4. A few days thereafter, it was noticed in the social media "Instagram", certain photographs of the 2nd respondent and the girl student in compromising positions. The said photographs posted by the 2nd respondent were viewed by other students as well as the public, which affected the morale of the students and the reputation of the school.

5. While so, parents of the 2nd respondent approached the 1st petitioner on 11.08.2017 and submitted Ext.P6 representation seeking permission to their ward to attend the ensuing examinations also by stating that they are giving

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education to the student at the residence. The student was permitted to attend the Onam examinations scheduled from 21.08.2017 to 31.08.2017. However, the disciplinary committee initiated disciplinary action against both the students. As per Ext.P7 order dated 11.09.2017, both the students were placed under suspension, and they were issued with Ext.P8 memo of charges dated 22.09.2017. The students have submitted Exts.P9 and P10 apology. In view of Exts.P9 and P10, the disciplinary proceedings were adjourned.

6. Matters being so, 1st petitioner was issued with Ext.P12 summons dated 17.08.2017 by the 1st respondent, along with a copy of the complaint filed by the 2nd respondent. Thereupon, 1st petitioner submitted Ext.P13 report dated 07.09.2017. Along with Ext.P13, copies of the photographs retrieved from the social media, and copies of the various proceedings initiated against the students were also produced. Thereafter, Ext.P14 summons dated 14.09.2017 was issued by the 1st respondent, calling upon the petitioners to appear on 18.09.2017. Accordingly, 1st petitioner appeared on 18.09.2017, and the 1st petitioner was advised by the 1st respondent to complete the disciplinary proceedings and

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communicate the decision thereof. However, petitioners were served with Ext.P15 order dated 03.10.2017 to admit the 2nd respondent in the school, purportedly invoking the power under Sec.94(e) and Sec.151 of the Code of Civil Procedure, 1908. The contention of the petitioners is that, by virtue of the powers conferred on the Commission, the power is only recommendatory in nature, and therefore, Ext.P15 order passed without conducting an enquiry and without authority is null and void. It is in this background, petitioners seek to quash Ext.P15.

7. A detailed counter affidavit is filed for and on behalf of the 2nd respondent by his father. According to the 2nd respondent, on 21.07.2017, during the School Arts Festival, the 2nd respondent, out of sheer humility and respect, gave a congratulatory hug to a girl student, who incidentally is his friend and since the 2nd respondent was immensely impressed by her recital of a song. There was no evil intention or any other design on his part, apart from congratulating her. Other contentions are also pointed out justifying the said incident. It is also submitted that, the teacher had taken both the 2nd respondent and the girl student to the Vice Principal's room,

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where both the 2nd respondent and the girl student profusely apologized for what had happened, with an assurance that there will not be any such conduct from their part. It is also stated that, in spite of all these aspects, the class teacher refused to budge and that she had in no uncertain terms told the Vice Principal that she will take care of the rest, and the 2nd respondent and the girl student were asked not to attend the school, the next day. Other aspects with respect to the summoning of parents, submitting affidavits by them etc. etc. are all admitted.

8. It is also contended that, the 2nd respondent and his parents suffered this ignominy, as they did not want to go into a protracted fight with the school authorities, during the fag end of his school life and further anticipating that, he would be allowed to attend classes after the Onam examinations, which he was allowed to attend. But, on 11.08.2017, the parents of the 2nd respondent were again summoned to the 1st petitioner's office, and they were shown some pictures of the 2nd respondent and the girl student involved in the incident. These were some pictures, that the 2nd respondent had posted in his social media "Instagram" and alleged that these pictures were

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of obscene nature, and hence he cannot be permitted to continue in the school. The pictures were shown to the parents also by the 1st petitioner in his phone.

9. It is the contention of the 2nd respondent that, "Instagram" is a social media, which is very particular about the privacy of its members, and only in the event, a member of the 'Instagram' authorize, the viewing of the photos posted by a member in his private account, it is possible. Hence to protect the privacy of its members, the "Instagram" does not give any option to download the photos posted by the members. The photos shown to the parents were screen shots of the photographs posted in the 2nd respondent's account as well as that of the girl student's account.

10. It is also the submission, these pictures were taken at a birthday party of both the 2nd respondent as well as the girl student, which again was absolutely private, and further not visited with any bad intentions or motives, but again captured in a very conducive and peaceful atmosphere. There is also nothing immoral in these pictures as alleged by the 1st petitioner. It is also submitted that, the 1st petitioner nor any of the school authorities is a follower in the social media of the

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2nd respondent, and they are not permitted to access his account, and therefore, they are guilty of hacking the account of the 2nd respondent and taking screen shots of his posts, which they are not permitted, and using it to blackmail him and tarnish his image in the school and the society.

11. Other contentions are raised with respect to the illegalities in making publications in the social media etc. It is also submitted that, the 1st respondent is conferred with every power to pass interim orders and the allegations made against the respondents in the writ petition cannot be sustained under law. Apart from all these contentions, it is stated that the 2nd respondent is preparing for Common Law Entrance examination, and these events are causing him severe mental trauma. Therefore, 2nd respondent submits that the petitioners have not made out any case warranting interference in Ext.P15 order passed by the 1st respondent.

12. A reply affidavit is also filed by the 2nd petitioner reiterating the stand adopted in the writ petition. It is also stated thereunder that, Exts.P4 and P5 were written by the students and the parents on their own, and therefore, the contentions stated in the counter affidavit that they have

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submitted affidavits due to the coercive tactics adopted by the petitioners are not sustainable. Other contentions are also raised justifying the action of the petitioners.

13. During the pendency of the writ petition, the school authorities proceeded with the enquiry and the disciplinary committee has submitted Ext.R2(f) enquiry report, finding the 2nd respondent guilty and consequently Ext.R2(h) order is passed by the 1st petitioner dated 22.11.2017, proposing to impose the punishment of dismissal from the school, and asking the 2nd respondent to inform the school authorities in writing, within 48 hours from the date of receipt of the communication, in respect of any objection in the proposed action. Thereupon, 2nd respondent has submitted Ext.R2(i) dated 23.11.2017. According to the learned Senior Counsel appearing for the petitioners, it is decided finally to remove the student from the school.

14. I have heard learned Senior Counsel for the petitioners and the respective counsel appearing for the respondents. Perused the documents on record and the pleadings put forth by the respective parties.

15. When this writ petition was admitted to the files of

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this Court, an interim order was passed staying the operation of Ext.P15 for a period of one month, which was subsequently extended for a period of one month, and the same is in force now.

16. The summary of the fact discussion made above would make it clear that, the incident that took place in the school in respect of the 2nd respondent and the girl student on 21.07.2017 is admitted by the 2nd respondent. So also, the postings of the photographs of the 2nd respondent and the girl student in the Instagram in compromising positions are also admitted by the 2nd respondent. Copies of the screen shots taken from the Instagram were produced before me during the course of arguments. However, I do not intend to make the photographs part of this proceedings, since it will tarnish the reputation of the 2nd respondent as well as the girl student. However, I find that various photographs were posted in the Instagram in various compromising positions and if it had the effect of publicity, the issue definitely hampers the reputation of the school. There can be no doubt that such incidents can disturb parents and the students of the school and even the public at large. The incident on 21.07.2017 with respect to

hugging is also admitted by the 2nd respondent. Ext.P2 report is submitted by the teacher who has witnessed the said incident, in which, it is stated that, she was shocked to see the incident and she has not experienced any such public display of affection. It is also evident that other students also witnessed the incident.

17. Be that as it may, the question now raised by the petitioners in this writ petition is in respect of the power of the 1st respondent to pass an interim order, directing the school to allow the 2nd respondent to attend the class and other consequential directions issued thereunder. The power of the 1st respondent Commission is stipulated under Sec.14 of the Commissions for Protection of Child Rights Act, 2005 [hereinafter called, 'the Act, 2005'], which read thus:

"14. Powers relating to inquiries.--(1) *The Commission shall, while inquiring into any matter referred to in clause (j) of sub-section (1) of section 13 have all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908 (5 of 1908) and, in particular, in respect of the following matters, namely:--*

- (a) summoning and enforcing the attendance of any person and examining him on oath;*
- (b) discovery and production of any document;*
- (c) receiving evidence on affidavits;*

*(d) requisitioning any public record or copy thereof from any court or office; and
(e) issuing commissions for the examination of witnesses or documents.*

(2) The Commission shall have the power to forward any case to a Magistrate having jurisdiction to try the same and the Magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case has been forwarded to him under section 346 of the Code of Criminal Procedure, 1973 (2 of 1974)."

18. The contention advanced by learned Senior Counsel for the petitioners is that, the power conferred under Sec.14 of Act, 2005 is only in respect of the proceedings required for, while trying a suit under the Code of Civil Procedure, 1908, and that power will not enable the 1st respondent to exercise the other powers conferred under the Code to pass an interim order. As I have pointed out earlier, the 1st respondent has passed the order relying on the powers conferred under Sec.94 (e) read with Sec.151 of CPC. Section 94 of the Code deals with supplemental proceedings and in order to prevent the ends of justice from being defeated the Court may, if it is so prescribed, pass an interim order and in this context, clause (e) of Sec.94 is relevant, which read thus:

"(e) make such other interlocutory orders as may appear to the Court to be just and convenient."

19. Now the question remains to be considered

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thereunder is, by virtue of the powers conferred under Sec.14 of Act, 2005, whether the 1st respondent can pass interim order relying upon the other provisions of the Code of Civil Procedure. The phraseology used under Sec.14 is very clear that, while inquiring into any matter referred to in clause (j) of sub-section (1) of Sec.13, the Commission have all the powers of a civil court "*trying a suit*" under the Code of Civil Procedure, 1908, and particularly in respect of the matters recited thereunder. Therefore, it is unequivocally clear that the power conferred on the 1st respondent is in respect of a trial proceeding. 'Trial' is not defined under the CPC. Therefore, a reference to Black's Law Dictionary 9th edition would be worthwhile, which defines the word "trial" as follows:

"A formal judicial examination of evidence and determination of legal claims in an adversary proceeding."

20. 'Trial' has various manifestations, recognized by the Black's Law Dictionary. However, the entire trial described thereunder deals with judicial examination of evidence and determination of legal claims in an adversary proceeding. So also, on an analysis of Sec.14, it is clear, what is intended by the power conferred under Sec.14 is only in relation to the

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specific stipulations contained thereunder, which thus means, such powers that are conferred on a civil court under the Code of Civil Procedure to proceed in trial. In my view a reference to the legal principle "*ejusdem generis*" recognized by the 9th edition of Black's Law Dictionary would further exemplify the situation, which read thus:

"ejusdem generis: [Latin "of the same kind or class"](17c) 1. A canon of construction holding that when a general word or phrase follows a list of specifics, the general word or phrase will be interpreted to include only items of the same class as those listed."

21. Therefore, the provisions of section 14(1) of Act, 2015, would have to be read down, meaning that, while making enquiry during trial, in order to secure the presence of the witnesses, documents and other co-related activities, the Commission is entitled to enjoy the power conferred under the relevant provisions of the CPC. If the said provision is interpreted in any other manner, the result would be disastrous, rather than beneficial. Moreover, the Parliament was cautious enough while conferring such a power, by employing the phraseologies "inquiry" and "trial" in section 14. Which thus also means the power is circumscribed to the

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limited extent of enjoying the powers of inquiry and trial contemplated under CPC.

22. That apart, Sec.13(1)(j) of Act, 2005 deals with inquiring into complaints and taking *suo motu* notice of matters relating to the following aspects:

"(i) deprivation and violation of child rights;

(ii) non-implementation of laws providing for protection and development of children;

(iii) non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardships to and ensuring welfare of the children and to provide relief to such children,

or take up the issues arising out of such matters with appropriate authorities."

"Child rights" are defined under Sec.2(b) of Act, 2005, which read thus:

"Child rights" includes the children's rights adopted in the United Nations convention on the Rights of the Child on the 20th November, 1989 and ratified by the Government of India on the 11th December, 1992."

23. Petitioners have produced Ext.P16 Convention on the Rights of the Child adopted by the United Nations Conventions on the Rights of the Child. Article 1 of Ext.P16 defines a 'child' to mean, "every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier". Article 13 deals with the right to

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freedom of expression, including freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice. Article 24 recognizes the rights of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health, and further stipulates, Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services. These are the important facets of the United Nations Convention on Rights of the Child, as is evident from Ext.P16. Yet another reason persuading me to arrive at such a conclusion is the stipulation contained under Sec.15 of Act, 2005, dealing with 'Steps after inquiry'. Clause (iii) of Sec.15 is relevant, which reads thus:

"recommend to the concerned Government or authority for the grant of such interim relief to the victim or the members of his family as the Commission may consider necessary."

24. Therefore, it can be seen that, if at all any power is conferred on the 1st respondent, the same is only recommendatory in nature, recommending to the Government for grant of such interim relief to the victim or the members of

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his family. That apart, the definition given to "child rights" in Sec.2(b) and the reference to the relevant provisions of Ext.P16 of United Nations Conventions, I am of the considered opinion that, the inquiry of the 1st respondent contemplated under Act, 2005 is confining to the areas referred to in Ext.P16, which will not in any manner take care of a situation like the one on hand, in respect to the maintenance of the discipline in the school. The Principal of the school is the guardian of the school, who is vested with powers to take necessary action to maintain the discipline and morality in the school, which cannot be interfered or tinkered with by the 1st respondent. So much so, it is a well recognised proposition in law, as laid down by the Apex Court in various judgements and specifically in the following judgements, **Vice Chancellor, Guru Ghasidas University v. Craig Mcleod** [2012 (11) SCC 275], **Director (Studies) and Others v. Vaibhav Singh Chauhan** [2009 (1) SCC 59] and **Varanasaya Sanskrit Viswavidyalaya and another v. Rajkishore Tripathi (Dr.) and another** [1977 (1) SCC 279].

25. Be that as it may, it is true that the 2nd respondent could not attend the school consequent to the interim order

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granted by this Court in the writ petition. The enquiry was proceeded with and the 2nd respondent was found guilty. As I have pointed out earlier, the action initiated by the school was in respect of an unfortunate incident that have taken place in the school, substantially affecting the discipline and morale of the school. Therefore, it cannot be found fault with the petitioners proceeding by initiating action against the 2nd respondent.

26. However, there remains a hard reality, natural instincts of students in adolescence. By saying so, I do not intend to interfere with the disciplinary action initiated by the school. But, however, the Principal and teachers of the school thus functioning, enjoying the characteristics and principles of *loco parentis*, definitely have a larger and broader outlook to these aspects, and nothing standing in the way of the school authorities rising to the occasion and re-considering the issue, bearing in mind, the 2nd respondent is a XII standard student and particularly, he is to face the Board examination during the month of March/April. He has also to appear in the model examinations that are to take place immediately.

27. I have no doubt or hesitation to say that there was

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absolutely any illegality or unfairness on the part of the school authorities having proceeded, so as to maintain and sustain the standard and reputation of the school. However, the school authorities may also bear in mind, a balancing approach to the issue. The authorities may also be at liberty to impose reasonable fine on the parents of the 2nd respondent, so as to make it as a deterrent to the students, and precaution to avoid similar incidents. Moreover the observations are made, also realising the fact that, neither the girl student nor her parents has made any complaint in this regard to anyone. However, I make it clear that, the above observations shall not be mistaken as any compulsion, thus enabling the 2nd respondent to have any cause of action over the same.

28. After evaluating the submissions made across the Bar, I am of the considered opinion that, the 1st respondent did not have any power to pass an interim order directing the school to permit the 2nd respondent to continue with the classes, and comply with such consequential actions. I reiterate that the power conferred under Sec.14 of Act, 2005 is only in respect of the power under the Code of Civil Procedure while conducting enquiry during the trial

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proceedings. In that view of the matter, Ext.P15 interim order passed by the 1st respondent has no manner of legal sustenance, the same being arbitrary and illegal and accordingly exercising the powers conferred under Article 226 of the Constitution of India, I quash Ext.P15 order passed by the 1st respondent dated 03.10.2017, and the writ petition is disposed with the above observations.

Sd/-
SHAJI P. CHALY
JUDGE

St/-
07.12.2017