

ITEM NO.20+48

Court 5 (Video Conferencing)

SECTION XI-A

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

**Petition(s) for Special Leave to Appeal (C) No.11937/2021**

**(Arising out of impugned final judgment and order dated 05-07-2021 in WA No.517/2021 passed by the High Court of Kerala at Ernakulam)**

**P. MURALIDHARAN**

**Petitioner(s)**

**VERSUS**

**THE REGIONAL DEPUTY DIRECTOR, HIGHER  
SECONDARY EDUCATION & ANR.**

**Respondent(s)**

**(With appln.(s) for I.R. and IA No.92523/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.92522/2021-EXEMPTION FROM FILING O.T.)**

**WITH S.L.P.(Cr1) Diary No.17216/2021**

**(With appln.(s) for I.R., IA No.93974/2021 - CONDONATION OF DELAY IN FILING, IA No.93964/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.93960/2021 - EXEMPTION FROM FILING O.T. and IA No.93970/2021 - PERMISSION TO FILE SLP and IA No.93967/2021 - APPLICATION FOR FILING THE PETITION WITHOUT DISCLOSING THE IDENTITY OF THE PETITIONER)**

**Date : 09-08-2021 This petition was called on for hearing today.**

**CORAM :**

**HON'BLE DR. JUSTICE D.Y. CHANDRACHUD  
HON'BLE MR. JUSTICE M.R. SHAH**

**For Petitioner(s)**    **Mr. P.N. Ravindran, Sr. Adv.**  
                                  **Mr. George Poonthottam, Sr. Adv.**  
                                  **Mr. P. S. Sudheer, AOR**  
                                  **Mr. Bharat Sood, Adv.**

**For Respondent(s)**

**UPON hearing the counsel the Court made the following  
O R D E R**

- 1    Permission to file the Special Leave Petition is granted.
- 2    It has been urged on behalf of the petitioner by Mr P N Ravindran, learned senior counsel that (i) the order of the High Court quashing the prosecution and on that basis, the order of the government requiring the petitioner to reinstate the employee are contrary to law; (ii) the charge against the respondent is of a serious nature implicating the provisions of Section 354 of the Indian Penal Code and POSCO Act; and (iii) the test which has been applied by the Single Judge for quashing the prosecution is patently contrary to law.
- 3    Delay condoned.
- 4    Issue notice, returnable in four weeks.
- 5    Dasti, in addition, is permitted.
- 6    In the meantime, there shall be a stay of the operation of the impugned judgment and order of the High Court of Kerala date 5 July 2021 in Writ Appeal No 517 of 2021 and of the order of the first respondent, dated 26 October 2019 revoking the suspension of the second respondent and directing the petitioner to take the second respondent back in service.

7 List the Special Leave Petitions on 6 September 2021.

**(CHETAN KUMAR)**  
**A.R. - cum - P.S.**

**(SAROJ KUMARI GAUR)**  
**COURT MASTER**