

Exhibit P10

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY

&

THE HONOURABLE MR. JUSTICE M.RAMACHANDRAN

THURSDAY, THE 1ST APRIL 2004 / 12TH CHAITHRA, 1926

RP.No. 708 of 2003(S)

AGAINST THE JUDGEMENT IN OP.9552/2002 Dated 01/08/2003

PETITIONER/REVIEW PETITIONER:

N. KRISHNA PRASAD, CONVENOR,
SECRETARIAT, AIKYAVEDI, T.C.29/97
M.K.K.NAIR ROAD, PETTAH,
THIRUVANANTHAPURAM.

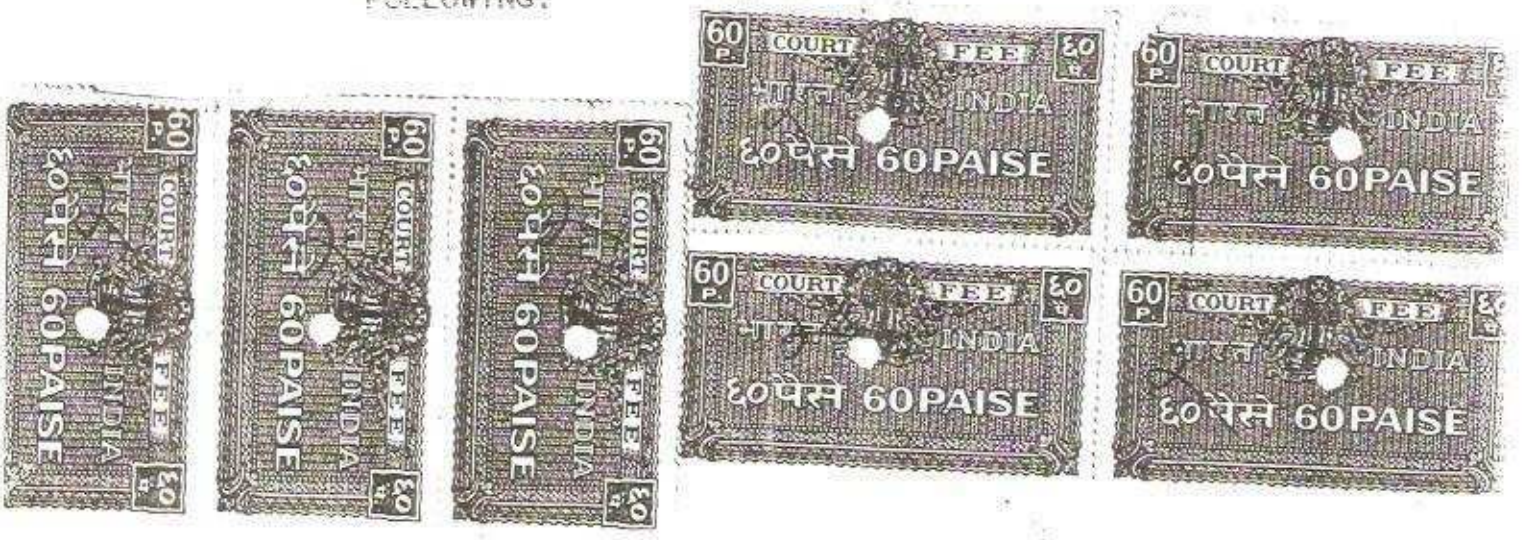
BY ADV. SRI.N.KRISHNA PRASAD,PARTY IN PERSON

RESPONDENTS: RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.
2. THE CHIEF MINISTER OF KERALA (SRI. A.K. ANTONY) SECRETARIAT, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.C.VATHSALAN

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 26/03/2004, THE COURT ON 01/04/2004 PASSED THE FOLLOWING:



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Exhibit P10B

J. B. KOSHY & M. RAMACHANDRAN, JJ.

R.P.No.708 of 2003 in O.P.No.9552 of 2002

Dated 1st April, 2004

ORDER

Koshy, J.

This review petition is filed contending that while arguing the Original Petition, petitioner's advocate did not raise all legal contentions and reply affidavit signed by him was not filed in the court. According to him, in the oath administered by the Governor to the Council of Ministers, there were mistakes and it was not correct Malayalam translation of oath contained in Schedule III of the Constitution of India and hence Exts.P1 and P2 challenged in the O.P. were not issued by a Cabinet which has taken oath in terms of third schedule of the Constitution of India. This point was not considered in the judgment under review.

2. The Original Petition contains the following prayers:

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R.P. NO. 708 OF 2003

a) To call for the records leading upto Exhibits P1 and P2 and quash the same by the issuance of a Writ of Certiorari or any other appropriate writ, order or direction.

* b) To declare that the orders Exhibits P1 and P2 are unconstitutional and have no force of law having been approved and issued by a Cabinet which has not taken the oath in terms of the Third Schedule of the Constitution.

c) To issue such other writs, orders or directions as this Hon'ble Court may deem fit and proper in the circumstances of the case."

Therefore his prayer was only to quash Exts.P1 and P2. One reason for the same is the defect in the oath. When the Original Petition came up for hearing, Learned Government Pleader explained the circumstances why Exts.P1 and P2 were issued and also submitted that P1 and P2 will be modified. Now Exts.P1 and P2 were withdrawn also. Hence O.P. has become infructuous. There was no prayer in the O.P. to cancel all the orders issued by the Cabinet or for a declaration that Cabinet should not function as it has taken an incorrect oath while assuming office. Contentions regarding mistake in the Malayalam translation of oath administered to the Ministers was taken only to quash