

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 13TH DAY OF FEBRUARY 2015/24TH MAGHA, 1936

Con. Case (C). No. 684 of 2014 (S) IN WP(C).15467/2013

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AGAINST THE ORDER/JUDGMENT IN WP(C) 15467/2013 OF THIS COURT
DATED 06-03-2014**

PETITIONER(S)/PETITIONER:

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ANNAMMA SCARIA.P.,
SECTION OFFICER (HIGHER GRADE),
DIRECTORATE OF PLANNING,
KERALA AGRICULTURAL UNIVERSITY, VELLANIKKARA,
THRISSUR DISTRICT.**

BY ADV. DR.GEORGE ABRAHAM

RESPONDENT(S)/RESPONDENTS:

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- 1. P. RAJENDRAN,
(AGE & FATHER'S NAME NOT KNOWN TO THE PETITIONER),
VICE CHANCELLOR, KERALA AGRICULTURAL UNIVERSITY,
VELLANIKKARA, THRISSUR DISTRICT.**
 - 2. E.K.MATHEW,
REGISTRAR, KERALA AGRICULTURAL UNIVERSITY,
VELLANIKKARA, THRISSUR DISTRICT.**

**R1&2 BY ADV. SRI.BABU JOSEPH KURUVATHAZHA,SC,
KERALA AGRICULTURAL UNIVERSITY**

**THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY HEARD ON
19.11.2014, THE COURT ON 13-02-2015 DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' ANNEXURES:-

A- COPY OF THE JUDGMENT IN WP(C) NO. 15467/2013 DT.6.3.14.

B - COPY OF REPRESENTATION SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT ON 23.03.2014.

C- COPY OF REPRESENTATION SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT 04.04.14.

D- COPY OF THE ORDER NO.GA/A3/30137/12 DATED 13.6.2013 ISSUED BY THE VICE CHANCELLOR DATED 28.8.2014.

E- COPY OF ORDER ISSUED BY THE VICE CHANCELLOR DATED 28.8.2014.

RESPONDENT(S)' ANNEXURES:-

R2(A):- COPY OF THE CIRCULAR NO.GA/A3/30137/12 DATED 17.11.2012 ISSUED BY THE KERALA AGRICULTURAL UNIVERSITY.

R2(B):- COPY OF THE MEMORANDUM NO.71256/SD5/65/PD DATED 8.10.1965 ISSUED BY THE GOVERNMENT.

R2(C):- COPY OF THE ORDER DATED 12.9.2007 ISSUED BY THE REGISTRAR, KANNUR UNIVERSITY.

R2(D):- COPY OF THE LETTER DATED 18.5.2013 ISSUED BY THE KERALA PUBLIC SERVICE COMMISSION.

R2(E):- COPY OF THE ORDER DATED 9.6.2003 ISSUED BY THE UNIVERSITY OF CALICUT.

R2(F):- COPY OF THE PROCEEDING DATED 17.4.2013 OF THE COCHIN UNIVERSITY OF SCIENCE AND TECHNOLOGY.

R2(G):- COPY OF THE JUDGMENT DATED 20.1.2011 IN W.A NO.1016/2010 OF THIS COURT.

R2(H):- COPY OF THE TABULATED STATEMENT OF APPLICATIONS RECEIVED FOR THE POST OF LABOUR OFFICER IN PURSUANCE TO ANNEXURE-R2(A) NOTIFICATION.

KRJ

/True Copy/

P.A to Judge

A.V.RAMAKRISHNA PILLAI, J.

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Cont. Case (C) No.684 of 2014

in

W.P(C) No.15467 of 2013

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Dated this the 13th day of February, 2015

JUDGMENT

Alleging that the respondents have not so far initiated any steps to comply with the direction issued by this Court rendering themselves liable to be punished under the Contempt of Courts Act, 1971, the petitioner in the writ petition has come up with the contempt petition.

2. The petitioner, who was the senior most section officer working in the university, applied for the post of Labour Officer as per the University Notification dated 13.6.2013. The petitioner alleged that the university without conducting any selection process as contemplated in the Kerala Agricultural University Act and Statues, provisionally appointed another incumbent. The petitioner

along with some other applicants challenged the provisional selection of the labour officer by filing the above writ petition.

3. This Court directed the university to make regular selection to the post of Labour Officer after considering the eligibility of all applicants for the said post within three months from the date of receipt of a copy of the judgment. The petitioner alleges that the said direction has not been complied with.

4. In the counter affidavit filed by the respondents, it was contended that the application received from four candidates in pursuance of Annexure-R2(a) notification has been processed among the applicants. Sri. Babu K. V., Deepesh P. K., Narayanan V. N., Paul V. J., Philip George, Radhakrishnan K., and Sheela I. C., were having qualification of B.A/M.A in Sociology. The qualification of the petitioner was M.A Economics from Kerala University. In the above circumstances, the scale of pay of the candidates with the qualification of M.A in Sociology was given preference for appointment pursuant to Annexure-R2(g) judgment of this Court. A

true copy of the tabulated statement of applications received for the post of Labour Officer in pursuance of Annexure-R2(a) notification is produced as Annexure-R2(h) along with the counter. Therefore, the stand taken by the respondents is that the direction in the judgment has been complied with in letter and spirit and there is no scope of interference by way of contempt.

5. Arguments have been heard.

6. The learned counsel for the petitioner would submit that the direction in the judgment has not been followed by the respondents. The writ petition was disposed of directing the first respondent to complete the selection process within three months from the date of receipt of copy of the judgment. However, the *inter se* eligibility between the petitioners as well as the fourth respondent was left open to be considered by the respondents. On the basis of that, the eligibility was considered by the respondents and it was found by them that the petitioner is not eligible.

7. As there is substantial compliance of the direction in the judgment, it cannot be said that there was any willful disobedience on the part of the respondents in complying with the direction in the judgment.

Therefore, this contempt case is closed, however, making it clear that it shall be open to the petitioner to challenge the present selection made by the first respondent in appropriate proceedings if he is aggrieved by the same.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

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