

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN
&
THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN**

TUESDAY, THE 10TH DAY OF FEBRUARY 2015/21ST MAGHA, 1936

RP.No. 6 of 2015 () IN WA.2822/2007

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AGAINST THE JUDGMENT IN WA 2822/2007 of HIGH COURT OF KERALA DATED
15.2.2008**

REVIEW PETITIONER/APPELLANT IN W.A:-:

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ROBIN C.,
RESIDING AT MF-5-4007, VRINDAVAN HOUSING COLONY,
PATTOM PALACE P.O., TRIVANDRUM - 695 004.**

**BY ADVS.SRI.V.G.ARUN
SRI.T.R.HARIKUMAR**

RESPONDENTS/RESPONDENTS IN W.A:-:

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- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
HIGHER EDUCATION DEPARTMENT, SECRETARIAT,
TRIVANDRUM - 695 001.**
 - 2. THE KERALA PUBLIC SERVICE COMMISSION,
PATTOM PALACE P.O., TRIVANDRUM - 695 004
REPRESENTED BY ITS SECRETARY.**
 - 3. THE DIRECTOR OF COLLEGIATE EDUCATION,
VIKAS BHAVAN, TRIVANDRUM - 695 033.**
 - 4. THE UNIVERSITY GRANTS COMMISSION,
BAHADUR SHAH ZAFAR MARG, NEW DELHI - 110 002
REPRESENTED BY ITS SECRETARY.**
 - 5. RAJESH GEORGE,
KANNETHUKUNNEL, CHEMMALAMATTOM P.O.
KOTTAYAM - 686 529.**

**R1 & R3 BY GOVERNMENT PLEADER SRI.A.MOHAMMED SAVAD.
R2 BY SRI.P.C.SASIDHARAN, SC, KPSC.
R4 BY SRI.S.KRISHNAMOORTHY, CGC.**

**THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 10-02-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

RPNo. 6 of 2015 () IN WA.2822/2007

APPENDIX

PETITIONER'S ANNEXURES:

**ANNEXURE-I: COPY OF THE ORDER IN SPECIAL LEAVE TO APPEAL © NO.15602/2008
DATED 21.11.2014 OF THE HON'BLE SUPREME COURT.**

RESPONDENTS' ANNEXURES:

/TRUE COPY/

P.A. TO JUDGE

VPV

P.N.RAVINDRAN & ANIL K.NARENDRA, JJ.

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R.P.No.06 of 2015

in

W.A.No.2822 of 2007

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Dated this the 10th day of February, 2015

ORDER

P.N.Ravindran, J.

The prayer in this petition is to review and recall the judgment delivered by a Division Bench of this Court to which one of us was a party (Justice P.N.Ravindran), on 15.2.2008. By the impugned judgment, the Division Bench affirmed the judgment delivered by the learned single Judge dismissing W.P.(C)No.294 of 2006. The writ petition arose pursuant to a notification issued by the Kerala Public Service Commission for appointment to the post of Lecturer in Economics under the Department of Collegiate Education. The last date for submission of applications was 31.3.2004. The qualifications prescribed for the post of Lecturer in the Special Rules for the Kerala Collegiate Education Service are as follows:-

- "1. Masters degree in the concerned subject with atleast 55% marks or its equivalent and good academic record.*
- 2. Must have passed a comprehensive test specifically conducted for the purpose by UGC or any agency duly constituted by the State Government in this behalf. When qualifications being equal, preference shall be given to*

candidates who possess adequate knowledge in Malayalam."

2. The petitioner did not admittedly possess a pass in a test conducted by the University Grants Commission or by the State Government. He possessed only a pass in the State Level Eligibility Test (SLET for short) conducted by the Bharathidasan University pursuant to the accreditation granted by the University Grants Commission. Though his application was entertained and he was called for the written test and interview, after verification of the records, the Kerala Public Service Commission took the stand that he does not possess the qualifications prescribed in the Special Rules. Consequently his name was not included in Ext.P10 ranked list which was published on 21.12.2005. The learned single Judge dismissed the writ petition relying on the decision of this Court in **Abu v. State of Kerala** [ILR 2007 (2) Kerala 315]. On appeal, the Division Bench held that as the pass in SLET held by other States as authorised by the University Grants Commission has not been prescribed as a qualification in the Special Rules, no exception can be taken to the stand of the Kerala Public Service Commission that the petitioner does not possess the qualifications prescribed for the post. As regards Ext.P19 letter dated 27.2.2006 sent by the State Government to the Secretary, Kerala Public Service Commission

wherein it is stated that candidates who have passed the SLET conducted by other States prior to 1.6.2002 need not pass the National Eligibility Test (NET) for appointment as Lecturer, the Division Bench held that the said communication which was issued on 27.2.2006 can apply only to future selections and not to a notification issued in 2004 in respect of which the last date for submission of applications was 31.3.2004.

3. In Ext.P14 letter dated 22.2.2005 sent by the University Grants Commission to the Registrars of various Universities it is stated that SLET qualified candidates will be eligible to apply for the post of Lecturer only in the universities/colleges belonging to the same State whose SLET examination they have cleared. On the terms of the said letter the petitioner who had not passed the NET or a test conducted by the University Grants Commission or the Kerala State Government can seek appointment only in the State of Tamil Nadu. We therefore find no good grounds to entertain the review petition. The points sought to be raised in the review petition were raised and considered by the Division Bench which dismissed the appeal.

4. There is also yet another reason why the relief prayed for by the petitioner cannot be granted. The ranked list prepared

pursuant to the selection process in which the petitioner participated, came into force on 21.12.2005. It ceased to be in force on 20.12.2008. At this distance of time (more than six years thereafter) the ranked list cannot be tinkered with. Therefore, for that reason also, the relief prayed for by the petitioner cannot be granted.

The review petition fails and it is dismissed. No costs.

Sd/-

**P.N.RAVINDRAN
JUDGE**

Sd/-

**ANIL K.NARENDRA
JUDGE**