

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 24TH DAY OF JUNE 2015/3RD ASHADHA, 1937

W.P.(C).No. 6530 of 2004 (B)

PETITIONER:

**LAIGIN DEVASSY,
PETTAYIL HOUSE, AKAPPARAMBU,
VAPPALASSERY - 683 572.**

BY ADV. SRI.K.RAMAKUMAR (SR.)

RESPONDENT(S):

- 1. THE MANAGING DIRECTOR,
KOCHI INTERNATIONAL AIRPORT LTD.,
NEDUMBASSERRY, ANGAMALY.**
- 2. THE DEPUTY GENERAL MANAGER,
KOCHI INTERNATIONAL AIRPORT LTD.,
NEDUMBASSERRY, ANGAMALY.**

BY ADV. SRI.N.N.SUGUNAPALAN (SR.), SC, KOCHI INTERNATIONAL AIRPORT LTD.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

A.M.SHAFFIQUE, J.

W.P.(C)No.6530 of 2004

Dated this the 24th day of June, 2015

JUDGMENT

This writ petition is filed challenging Ext.P3 and seeking for declaration that the denial of appointment of the petitioner to the post of Junior Executive is illegal and further seeks for a direction to the respondents to give appointment of the petitioner in the said post. It is inter alia contended that the petitioner being a Post Graduate in Philosophy submitted an application to the first respondent based on notification issued in 1999, by which applications were initiated for the post of Junior Executive. The petitioner had a preferential claim as the land and house belonging to his father had been acquired by negotiation for the construction of the Airport. Though a selection list was prepared, no appointment was made and it was kept in a sealed cover. In the meantime, there was a selection to various posts in the Duty Free Shop to which the

petitioner who applied. He filed O.P.No.29716/2001 which was disposed of by the judgment dated 06.11.2001 directing consideration of his representation within a specified time limit. It is based on the said direction that Ext.P3 order has been passed. In Ext.P3, the Managing Director considered the claim of the petitioner and found that no injustice was done to him. It is further observed that he did not possess the prescribed experience for the post of Shop Supervisor. It is also mentioned that there is a strong reason to believe that he has submitted false certificate and therefore the company was justified in not considering his application. The petitioner contends that the aforesaid finding is absolutely baseless and illegal.

2. Counter affidavit has been filed by the first respondent supporting the stand taken in Ext.P3. In regard to the post of Junior Executive is concerned, it is stated that there were employees already working with KIAS on contract basis and the society was not having much work and therefore it was decided to take the said persons in the vacancy that had arisen during the relevant time. In regard to the selection of Shop Supervisor is concerned, the petitioner had forwarded two applications.

Three years experience in a Duty Free retail business was required. Though the petitioner produced a copy of the experience certificate of a Margin Free Market, Angamali, the same was not satisfactory. Further along with the 2nd application, he produced another certificate from Ceejay Stationary, N.H.Junction, Angamaly. He further produced a experience certificate from Hotel Abad Plaza, M.G.Road, Kochi. It was found that the certificates were not genuine as he was working in different institutions during the very same period.

3. Having regard to the aforesaid facts and circumstances, I do not think that this Court will be justified in exercising judicial purview to set aside an order passed by the respondent. The facts stated in Ext.P3 is not in dispute. Hence it is not possible for this Court to interfere in the said decision.

Accordingly, this writ petition is dismissed.

Sd/-
A.M.SHAFFIQUE
JUDGE

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P.A. TO JUDGE