

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 11TH DAY OF NOVEMBER 2015/20TH KARTHIKA, 1937

WP(C).No. 3030 of 2007 (I)

PETITIONER(S):

1. SHYJU K.R., 1ST UNIT, 12TH PALAM,
SUGANDHAGIRI P.O., WAYANAD, PRESIDENT
POOKKODE VETERINARY COLLEGE ADIVASI THOZHILALI
SANAGAM, POOKKODE, WAYANAD DISTRICT.
2. THULASI.M., QUARTER NO.369, POOKKODE
DIARY PROJECT, LAKKIDI, WAYANAD DISTRICT
SECRETARY, POOKKODE VETERINARY COLLEGE ADIVASI
THOZHILALI SANGAM, POOKKODE, WAYANAD DISTRICT.

BY ADVS.SRI.K.B.GANGESH
SRI.BABU S. NAIR
SMT.DEEPTHI S.MENON
SRI.ABRAHAM SAMSON
SMT.M.T.SHEEBA
SRI.P.A.RAJESH

RESPONDENT(S):

1. STATE OF KERALA, REPRESENTED BY
THE CHIEF SECRETARY, GOVERNMENT SECRETARIAT, TRIVANDRUM.
2. THE DISTRICT COLLECTOR, WAYANAD.
3. THE KERALA AGRICULTURAL UNIVERSITY,
REPRESENTED BY ITS REGISTRAR, VELLANIKKARA, THRISSUR.
4. THE ASSOCIATE DEAN,
COLLEGE OF VETERINARY AND ANIMAL SCIENCE, POOKKODE
VYTHIRI, WAYNAD DISTRICT.

Addl.5. THE KERALA VETERINARY AND ANIMAL SCIENCES UNIVERSITY
REP. BY ITS REGISTRAR, CAMP OFFICE, VELLANIKKARA
MANNUTHY, THRISSUR.

ADDL.R5 IS IMPEADED AS PER ORDER DATED 10/04/2012 IN IA 5491/2012.

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**R1 &2 BY GOVERNMENT PLEADER SRI.P.K.ABDUL RAHIMAN
R3 BY ADV. SRI.BABU JOSEPH KURUVATHAZHA,SC,KERALA
AGRICULTURAL UNIVERSITY
R5 BY ADV. SRI.MILLU DANDAPANI
R BY SRI.RENJITH THAMPAN,SC,KERALA AGRL.UTY**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
11-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

VS

WP(C).No. 3030 of 2007 (I)

APPENDIX

PETITIONER(S)' EXHIBITS :

- EXT.P1- TRUE COPY OF THE ORDER ISSUED BY THE FIRST RESPONDENT AS
 NO.G.O.RT.NO.3643/98/RD DATED 13.8.1998**
- EXT.P2- TRUE COPY OF THE PROCEEDINGS DATED 16.12.2006 THE 4TH
 RESPONDENT AS NO.ESTT/654/01**
- EXT.P3- TRUE COPY OF THE NOTIFICATION NO.EST/654/01 DATED 22.12.2006
 ISSUED BY THE 4TH RESPONDENT**
- EXT.P4- TRUE COPY OF THE LIST OF ADIVASI CONTRACT LABOURERS
 WORKING IN THE VETERINARY COLLEGE, POOKODE FROM 2004**
- EXT.P5- TRUE COPY OF THE CIRCULAR ISSUED BY THE REGISTRAR OF THE
 3RD RESPONDENT UNIVERSITY AS NO.GA/A2/40010/2003 DATED
 17.1.2004**
- EXT.P6- TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE SECOND
 RESPONDENT BEFORE THE CHIEF MINISTER OF KERALA DATED
 29.12.2006**
- EXT.P7- TRUE COPY OF THE REPRESENTATION MADE BY THE FIRST
 RESPONDENT TO THE HONOURABLE CHIEF MINISTER OF KERALA,
 DATED 15.10.2006**
- EXT.P8- TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE 2ND
 PETITIONER BEFORE THE 2ND RESPONDENT ON 25.11.2006**
- EXT.P9- TRUE COPY OF THE QUOTATION NOTICE ISSUED BY THE 4TH
 RESPONDENT AS NO.ESTT/4045/2006 DATED 18.12.2006**

RESPONDENT(S)' EXHIBITS :

NIL

/TRUE COPY/

PA TO JUDGE

VS

A.M.SHAFFIQUE, J.

W.P.(C).No.3030 of 2007

Dated this the 11th day of November, 2015

JUDGMENT

Petitioners have approached this Court seeking for a direction to respondents 1 and 2 to ensure that Ext.P1 order is implemented in letter of spirit and for other directions.

2. The short facts involved in this writ petition would disclose that the petitioners have ventilated the grievance of certain Adhivasi families, residing within the Pookkode Dairy Project Area. They claimed that this writ petition is filed on their personal behalf and on behalf of the office bearers of Pookkode Veterinary College Adivasi Thozhilali Sangam. While taking over 100 acres of land in Kunnathidavaka Village, for the purpose of Pookottu Dairy Project to the Agricultural University, Government had issued Ext.P1 Government Order dated 13.08.1998, by which two benefits were granted to the persons who were being evicted from the said land which reads as under:

“(i) Appointment of farm labourers in the farm attached to the College will be made from the members of the families settled in Pookkodu Dairy Project.

(b) While making appointment to the posts in the College, the qualified persons of these Families will be given priority.”

3. It is contended by the petitioners that the respondents are not complying with the directions in terms of Ext.P1.

4. It is fairly submitted by the learned counsel for the petitioners that the casual workers are being employed from the families who had been evicted from the said area. The main grievance is with reference to the condition imposed under Clause 2 by which it is contended that no priority is being given to the posts in the College from the qualified persons of the families, who were evicted from the project site.

5. Counter affidavit has been filed, inter alia stating that the first petitioner is not a person eligible for any of the claim that has been raised, whereas only the second petitioner was one of the members of the tribal family, who was evicted from the site. It is stated that

casual employees are being given work from the priority list of the members of evicted families and presently 42 tribal people are being engaged in the College, by way of contract labour employment. As per the existing Rules, temporary engagement of workers can be done only for 52 days at a time, which is being strictly followed. The 5th respondent has filed affidavit on 26.10.2012 wherein also it has been stated that the 4th respondent University has been passed an order on 18.10.2010 wherein certain stipulations had been made in regard to the appointment of daily wage employees. This has constantly being followed and therefore they have already taken appropriate action in the matter. As far as the selection to the posts are concerned, it is stated that the candidates will have to participate in a selection process to be conducted by the respondent and it shall be open for the candidates to apply for the posts after complying with the criteria prescribed under the notification.

6. Having regard to the present claim made by the petitioners, I do not think that Ext.P1 can give any

special benefit to the members of the evicted families. This fact is well covered by the Judgment in Honourable Supreme Court in ***State of Karnataka v. Umadevi [2006(4)SCC 1]***.

6. Under such circumstances, it may not be possible for the public authority to give any priority merely for the reason that they were members of the evicted families from the particular area. They will have to undergo the normal process of selection and participate in the selection process. In the result, I do not think that the petitioners are entitled for any relief as sought for in the writ petition.

Accordingly this writ petition is dismissed.

Sd/-
A.M.SHAFFIQUE
JUDGE

VS