

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ANTONY DOMINIC
&
THE HONOURABLE SMT. JUSTICE P.V.ASHA

TUESDAY, THE 29TH DAY OF SEPTEMBER 2015/7TH ASWINA, 1937

WA.No. 1432 of 2013 () IN WP(C).21300/2008

AGAINST THE JUDGMENT IN WP(C) 21300/2008 of HIGH COURT OF KERALA
DATED 01-07-2013

APPELLANT(S)/APPELLANT:

DR.P.SURESH KUMAR
THERIVILA HOUSE, MOOLAKKARA, KAZHUVOOR P O
(VIA) PULLUVILA, THIRUVANANTHAPURAM-695526.

BY ADV. SRI.MILLU DANDAPANI

RESPONDENT(S)/RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT
SCHEDULED CASTES AND SCHEDULED TRIBES DEVELOPMENT DEPARTMENT
SECRETARIAT, THIRUVANANTHAPURAM, PIN-695001.

2. UNIVERSITY OF KERALA
REPRESENTED BY ITS REGISTRAR, UNIVERSITY BUILDINGS
THIRUVANANTHAPURAM, PIN-695001.

3. DR.SURESH NJANESWARAN,
READER IN HISTORY, DEPARTMENT OF HISTORY
UNIVERSITY OF KERALA, KARIAVATTOM
THIRUVANANTHAPURAM, PIN-695017.

4. GREESHMALATHA A P
SELECTION GRADE LECTURER IN HISTORY
DEPARTMENT OF HISTORY, S N COLLEGE, CHEMPAZHANTHY
THIRUVANANTHAPURAM DIST, PIN-695587.

5. DR.N.PADMANABHAN,
SELECTION GRADE LECTURER IN HISTORY,
CO-OPERATIVE ARTS AND SCIENCE COLLEGE, MADAY
KANNUR DISTRICT, PIN-670304.

6. DR.C.MEERA,
READER IN HISTORY,
S N COLLEGE, VARKALA,
THIRUVANANTHAPURAM,
PIN-696141.

R2 BY ADV. SRI.BECHU KURIAN THOMAS, SC, UNIVERSITY OF KERALA
R BY SRI.GEORGE POONTHOTTAM
R BY SRI.C.M.ANDREWS
R BY SENIOR GOVERNMENT PLEADER SRI M.A.FAYAZ

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
29-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ANTONY DOMINIC & P.V ASHA, JJ.

W.A No.1432 of 2013

Dated this the 29th day of September, 2015

JUDGMENT

Antony Dominic, J.

This appeal is filed by the petitioner in W.P(C) No.21300 of 2008, who is aggrieved by the judgment rendered by the learned Single Judge dismissing the Writ Petition. The Writ Petition was filed mainly challenging the selection conducted to the post of 'Reader' in History in the Kerala University, which was reserved for candidates belonging to Ezhava community. It was contended by the learned counsel for the appellant that respondents 3 to 6, who were his rival candidates and among whom the 3rd respondent was selected to the post, did not belong to the Non Creamy Layer category. He also challenged Ext.P7, the guidelines for identification of creamy layer and issues connected therewith, on the basis of which the non creamy layer certificates were issued to the aforesaid candidates.

2. In the judgment under appeal, the learned Single Judge took the view that since the appellant/petitioner was ineligible for appointment to the post in question, there was no substance in the challenge raised by him. It is this judgment, which is under challenge before us.

3. We heard the learned Senior Counsel for the appellant, the learned Government Pleader appearing for the 1st respondent, the learned Standing Counsel for the 2nd respondent and the learned counsel appearing for the 3rd respondent. Admittedly, one of the various criteria laid down in the U.G.C Scheme for the post of Reader is that, the candidate should have acquired 8 years' teaching experience. It is also the admitted case that the teaching experience gained by the appellant is as an H.S.S.T. As is evident from Ext.R2(a) - the norms of the U.G.C itself, such experience is inadequate and the teaching experience should be at college level. This therefore means that the finding of the learned Single Judge, that the appellant was ineligible for appointment to the post in question, is unimpeachable. If that be so, there is no question of invalidating the selection of the 3rd respondent, at the instance of the appellant.

The Writ Appeal fails and is accordingly dismissed.

Sd/-

ANTONY DOMINIC

Judge

Sd/-

P.VASHA

Judge

rtr/

/true copy/

P.S to Judge