

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ANTONY DOMINIC
&
THE HONOURABLE SMT. JUSTICE P.VASHA

MONDAY, THE 5TH DAY OF OCTOBER 2015/13TH ASWINA, 1937

W.A.No. 2135 of 2015 (T) IN WP(C).18557/2015

AGAINST THE JUDGMENT IN WP(C) 18557/2015 of HIGH COURT OF KERALA DATED 02-09-2015

PETITIONER/APPELLANT:

ABITHA KARUN, AGED 36 YEARS
ASARIPARAMBIL HOUSE, KOLANI P.O.,
THODUPUZHA
IDUKKI DISTRICT.

BY ADV. SRI.BABU CHERUKARA

RESPONDENTS/RESPONDENTS :

1. DIRECTOR 1
CO-OPERATIVE ACADEMY OF PROFESSIONAL EDUCATION
1ST FLOOR, CO-OPERATIVE BANK TOWERS, VIKAS BHAVAN P.O.
THIRUVANANTHAPURAM-695 033.
2. THE COLLEGE OF NURSING AT COCHIN MEDICAL COLLEGE
REPRESENTED BY IT'S MEDICAL DIRECTOR
HMT COLONY P.O., KALAMASSERY, PIN-683 503.
3. THE STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT
DEPARTMENT OF HEALTH & FAMILY WELFARE, SECRETARIAT
THIRUVANANTHAPURAM-695 001.

R BY SRI.V.KRISHNA MENON, SC FOR R1 & R2
SENIOR GOVERNMENT PLEADER SRI.M.A.FAYAZ
R BY SRI.V.KRISHNA MENON, SC, CO-OP.ACADEMY OF PROFESSIONAL EDN.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 05-10-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC & P.V.ASHA, JJ.

Writ Appeal No.2135 of 2015

Dated this the 5th day of October, 2015

JUDGMENT

Antony Dominic, J.

The petitioner in W.P.(C)No.23331 of 2010 is the appellant. She filed the writ petition, being rank No.11 in Ext.P1 rank list for the post of Lecturer under the second respondent and seeking a direction for her appointment under the second respondent. The learned Single Judge having negatived the prayer sought for, this appeal is filed.

2. We heard the counsel for the appellant and the learned Standing Counsel for respondents 1 and 2 and the learned Government Pleader appearing for the third respondent.

3. As we have already stated, Ext.P1 rank list was prepared for appointment to the post of Lecturer in the second respondent. It is in that rank list, the appellant is included in Sl.No.11. Counter affidavit filed on behalf of the second respondent shows that in Lecturer category, there are four posts and all those four posts are occupied by candidates who were appointed by the second respondent. This, therefore, means that there is no vacancy in the category of Lecturer, for the filling up of which Ext.P1 rank list was prepared.

4. If that be so, the appellant could not have sought any direction on the strength of her inclusion in Ext.P1 rank list. We, therefore, do not find any illegality in the view taken by the learned Single Judge.

Appeal fails and it is accordingly dismissed.

Sd/-
ANTONY DOMINIC
JUDGE

Sd/-
P.V.ASHA
JUDGE

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