

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

TUESDAY, THE 17TH DAY OF NOVEMBER 2015/26TH KARTHIKA, 1937

WA.No. 2475 of 2015 ()

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AGAINST THE JUDGMENT IN WP(C) 15952/2014 DATED 08-10-2015
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APPELLANTS/PETITIONERS :

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- 1. DILNAM B.,
DIVYA HOUSE,
PERUVATTOOR P.O.
KOZHIKODE- 673 620.**
 - 2. BINEESHA KUMARI V.P.,
VAYALIL PURAYIL HOUSE,
EDAKKULAM P.O., KOYILANDI
KOZHIKODE - 673 306.**
 - 3. SREEVIDYA K.,
KALLIATH HOUSE, PULIYANCHERY
MUCHUKUNNU P.O., KOZHIKODE - 673 307.**
 - 4. JISHI K.
CHATHOTH HOUSE,
KOLLAM P.O. KOYILANDY
KOZHIKODE - 673 307.**

BY ADV. SRI.SHEJI P. ABRAHAM

RESPONDENTS/RESPONDENTS :

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- 1. MANAGING DIRECTOR,
KERALA STATE BEVERAGES (MANUFACTURING
& MARKETING) CORPORATION LTD.,
THIRUVANANTHAPURAM.**
 - 2. KERALA PUBLIC SERVICE COMMISSION
REPRESENTED BY SECRETARY, PATTOM,
THIRUVANANTHAPURAM.**

3. SECRETARY
KERALA PUBLIC SERVICE COMMISSION, PATTOM
THIRUVANANTHAPURAM

4. STATE OF KERALA
REP. BY ITS SECRETARY
HIGHER EDUCATION (J) DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

R1 BY ADV. SRI.C.S.AJITH PRAKASH, SC
R2 & R3 BY ADV. SRI.P.C.SASIDHARAN, SC
R4 BY SR. GOVT. PLEADER SRI. P.I DAVIS

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 17-11-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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ASHOK BHUSHAN, CJ

&

A.M.SHAFFIQUE, J.

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W.A.No.2475 of 2015

Dated this the 17th day of November 2015

J U D G M E N T

Shaffique, J

This writ appeal is filed challenging the judgment dated 08/10/2015 in W.P.C.No.15952/2014. The writ petition was filed seeking for a direction to the 2nd respondent to include the petitioners in the main list for the selection to the post of Stenographers (Category No.354/08) in the 1st respondent Corporation and for other consequential reliefs.

2. The short facts involved in the writ petition would disclose that based on Ext.P1 notification issued by the 2nd respondent, Kerala Public Service Commission (for short 'KPSC'), petitioners applied for the post of Stenographer in respect of two vacancies that had arisen in the Kerala State Beverages (Manufacturing & Marketing) Corporation Ltd., the 1st respondent herein. The qualification prescribed inter alia includes Typewriting Malayalam Lower (KGTE) and Shorthand Malayalam Lower (KGTE) among other qualifications. According to the petitioners, they were having higher qualification and by virtue of

certain Government Orders, the qualification possessed by them i.e. Diploma in Secretarial Practice is equivalent to Typewriting Malayalam Lower (KGTE) and Shorthand Malayalam Lower (KGTE).

3. The learned Single Judge having found that, though as per the Government Order it could be reckoned that the qualification of the petitioners were equivalent to Typewriting Malayalam Lower (KGTE) and Shorthand Malayalam Lower (KGTE), in so far as Special Rules does not prescribe that equivalent qualification can be considered, in the absence of amendment to the Rules, KPSC cannot be found fault with in not including the petitioners in the select list.

4. The learned Single Judge, relied upon the judgment in **Suma v. K.P.S.C** [2011(1) KLT 1 (FB)], formed an opinion that KPSC cannot consider equivalency to a particular qualification. The law in this regard is well settled. KPSC, who is the agency to conduct selection process, have to conduct the process based on the qualification as prescribed under the Rules. In so far as the Rules clearly indicate that among other qualifications, Typewriting Malayalam Lower (KGTE) and Shorthand Malayalam Lower (KGTE) is the required qualification, in the absence of any stipulation that

equivalent qualification can be considered, we do not find any error in the judgment of the learned Single Judge in forming such an opinion that the KPSC cannot consider the qualification of the petitioners.

5. Though the learned counsel for the petitioners relied upon Rule 10(ii) of the Kerala State & Subordinate Services Rules, 1958, in the absence of any challenge to the qualification prescribed for the post, we do not think that the petitioners are entitled to succeed in the writ petition. The learned Single Judge correctly observed that the Government may make certain amendments to the Special Rules to provide for an equivalent qualification in the case of Typewriting Malayalam Lower (KGTE) and Shorthand Malayalam Lower (KGTE).

Under such circumstances, we do not find any error in the judgment of the learned Single Judge. Accordingly, this writ appeal is dismissed.

(sd/-)
(ASHOK BHUSHAN, CHIEF JUSTICE)
(sd/-)
(A.M.SHAFFIQUE, JUDGE)

True Copy

PA to Judge

jsr/17/11/2015