

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 1ST DAY OF DECEMBER 2015/10TH AGRAHAYANA, 1937

WA. No.2535 of 2015 (P) IN WP(C). NO.15744 of 2015

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AGAINST THE JUDGMENT IN WP(C) NO.15744/2015 of HIGH COURT OF KERALA
DATED 04-11-2015**

APPELLANT(S)/PETITIONER:

**ARUNDAS.C
S/O RAVI C, CHELAKKADAN HOUSE,
PORUR P.O-679 339, MALAPPURAM.**

**BY ADVS.SRI.K.ANAND
SRI.HUSSAIN KOYA VALIYAVEEDAKATH**

RESPONDENT(S)/RESPONDENTS:

- 1. THE DEPARTMENT OF CIVIL SUPPLIES,
PUBLIC OFFICE BUILDING , MUSEUM, VIKASBHAVAN. P.O,
THIRUVANANTHAPURAM-695 033,
REPRESENTED BY THE COMMISSIONER OF CIVIL SUPPLIES.**
- 2. THE DISTRICT SUPPLY OFFICER,
DISTRICT SUPPLY OFFICE, COLLECTORATE BUILDING,
MALAPPURAM-676 505**
- 3. KUNJAN P,
PULLANITHODIKA HOUSE, THODIKAPPULAM,
PORUR PO-679330.**
- 4. THE TALUK SUPPLY OFFICER,
SUPPLY OFFICE NILAMBUR, NEAR FEDERAL BANK,
NILAMBUR-679 329, MALAPPURAM DISTRICT.**

**BY SENIOR GOVERNMENT PLEADER SRI.P.IDAVIS
BY SRI.C.A.SADASIVAN**

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 01-12-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

KRJ

ASHOK BHUSHAN, C.J

&

A.M.SHAFFIQUE, J.

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W.A No.2535 of 2015

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Dated this the 1st day of December, 2015

JUDGMENT

Ashok Bhushan, CJ

Heard learned counsel for the appellant and learned counsel for the contesting respondent.

2. This writ appeal has been filed against the judgment of the learned single Judge dated 4.11.2015 in W.P(C) No.15744 of 2015. The petitioner, who is the appellant before us, aggrieved by the appointment of the third respondent as licensee of an ARD earmarked for Scheduled Caste community had filed the writ petition. Ext.P3 order by which, the third respondent was selected was under challenge.

3. The ground taken in the writ petition was that third respondent was Scheduled Caste Promoter in Porur Panchayat. Hence, he was not eligible as per Clause 45(1) of Kerala Rationing Order, 1966. The learned single Judge after noticing the conditions held that third respondent had worked as temporary Scheduled Caste Promoter till 31.12.2014. The learned counsel for the

appellant would submit that the engagement of the third respondent was full time and he was not eligible.

4. We have considered the submission. The appellant himself had brought on record, the notification dated 19.11.2014 as Ext.P1, which invited application for licensee of ARD shop. From the finding in the judgment of the learned single Judge, it is clear that third respondent had worked as temporary Scheduled Caste Promoter till 31.12.2014. At the time of appointment, he was not continuing as such and further Scheduled Caste Promoter cannot be treated to be a full time employee in any establishment. There was no ineligibility in third respondent who have been appointed as Full time Promoter.

We do not find any error in the judgment of the learned single Judge which warrants interference in exercise of appellate jurisdiction. Accordingly, the writ appeal is dismissed.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M.SHAFFIQUE
JUDGE

krj

//true copy// P.A to Judge