

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 26TH DAY OF OCTOBER 2015/4TH KARTHIKA, 1937

WP(C).No. 1913 of 2015 (L)

PETITIONERS:

- 1. MURALEEDHARAN C AGED 38 YEARS
OFFICE ASSISTANT
INSTITUTE OF HUMAN RESOURCES DEVELOPMENT
MODEL POLYTECHNIC COLLEGE, MATTAKKARA, KOTTAYAM.**
- 2. MINI ABRAHAM
SENIOR OFFICE ASSISTANT
INSTITUTE OF HUMAN RESOURCES DEVELOPMENT
MODEL POLYTECHNIC COLLEGE, MATTAKKARA, KOTTAYAM.**

BY ADV. SRI.P.C.SASIDHARAN

RESPONDENTS:

- 1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO GOVERNMENT
HIGHER EDUCATION DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM - 695 001.**
- 2. THE INSTITUTE OF HUMAN RESOURCES DEVELOPMENT
PROJO TOWERS, VAZHUTHCAUD
THIRUVANANTHAPURAM - 695 014
REPRESENTED BY ITS DIRECTOR.**

**R1 BY GOVERNMENT PLEADER SMT. A. LOWSY
R2 BY SRI.V.A.MOHAMMED, SC, IHRD**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONERS' EXHIBITS

- P1 - TRUE COPY OF THE RELEVANT EXTRACT OF THE DRAFT RULES.**
- P2 - TRUE COPY OF THE GO(MS) NO. 692/2014/H.EDN DT. 20.8.14 TOGETHER WITH THE RELEVANT EXTRACT OF THE RULES.**
- P3 - TRUE COPY OF THE GRADATION LIST OF COMPUTER PROGRAMMER.**
- P4 - TRUE COPY OF GO(P) NO. 185/09/G.EDN DT. 17.9.09.**
- P5 - TRUE COPY OF G.O(MS) NO. 76/14/H.EDN DT. 14.02.14.**
- P6 - TRUE COPY OF THE RELEVANT PAGE OF THE SPECIAL RULE**
- P7 - TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER 23.01.2015**
- P8 - TRUE COPY OF THE COVERING LETTER DATED 23.01.2015**

RESPONDENTS' EXHIBITS

NIL

//TRUE COPY//

P.A. TO JUDGE

JJJ

K. VINOD CHANDRAN, J.

W.P.(C) No. 1913 of 2015 (L)

Dated this the 26th day of October, 2015

J U D G M E N T

The petitioners are aggrieved with the fact that while finalising the Special Rules for the 2nd respondent, the petitioners, as a category, have been excluded from the feeder category for consideration of appointment by direct recruitment from the 20% quota reserved for the employees of the IHRD.

2. Ext.P1 is the proposal made by the IHRD to the Government, wherein, 20% of the sanctioned post of Lecturer in Arts/Science/Humanities/Literature/History in Technical Higher Secondary Schools were reserved for the IHRD employees. There was no relaxation with respect to the minimum qualification, but however, direct recruitment was to be made first by selection from among the qualified Junior System Analyst/Foreman with three years experience and in their absence, from among the qualified Computer

Programmer/Demonstrator with four years experience and in the context of absence of candidates from either of these, from among the Librarian/Office Staff with eight years experience under IHRD. However, when the Special Rules were published as per Ext.P6, the category of the petitioners, who were Office Assistant/Senior Office Assistant, has been completely excluded.

3. The petitioners had moved a representation at Ext.P7 in the manner of an objection to the Special Rules; now finalised. The petitioners also point to Ext.P4 Special Rules made for the Vocational Higher Secondary Education State Service wherein 5% of the posts of Non-Vocational Teachers were reserved for appointment from Ministerial Staff. The petitioners pray that their case may be reconsidered.

4. I have heard the learned counsel for the 2nd respondent also.

5. Though the Special Rules have to be approved by the Government, it is for the Director of the 2nd respondent to make such recommendation. In such circumstance, the Director shall hear the petitioners herein and decide on the issue by a written order and if it is in favour of the petitioners, the same shall be expedited by forwarding it to the 1st respondent State of Kerala, who shall also consider it in accordance with law.

6. The consideration as above shall be done by the Director within a period of two months from the date of receipt of the certified copy of this judgment and the recommendation of the Director shall be looked into within two months from the date on which such recommendation is submitted, if eventually the recommendation is made.

Leaving all contentions open, the writ petition is disposed of.

Sd/-
K.VINOD CHANDRAN,
JUDGE