

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

MONDAY, THE 8TH DAY OF JUNE 2015/18TH JYAISHTA, 1937

WP(C).No. 3098 of 2014 (J)

PETITIONER(S):

**NARENDRA NATH.M
S/O.MADHAVAN NAIR.M, PONNARAMBATH HOUSE, SREENANDHA
ANNASSERY POST, KOZHIKODE , KERALA**

BY ADV. SRI.C.P.MOHAMMED NIAS

RESPONDENT(S):

**KERALA STATE INDUSTRIAL ENTERPRISES LTD.
(KSIE)KERALA SOAPS UNIT
REPRESENTED BY ITS MANAGING DIRECTOR
STY.JOSEPH'S PRESS BUILDING, 1ST FLOOR, COTTON HILL
VAZHUTHACAUD, THIRUVANANTHAPURAM 695 014**

**BY ADV. SRI.M.GOPIKRISHNAN NAMBIAR
ADV. SRI.P.GOPINATH
ADV. SRI.P.BENNY THOMAS
ADV. SRI.K.JOHN MATHAI**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08-06-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

JV

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 : COPY OF APPLICATION SUBMITTED BY THE PETITIONER TO THE IST RESPONDENT DATED 13/7/12**
- EXHIBIT P2 : COPY OF DIPLOMA IN ELECTRONICS FROM THE MILITARY COLLEGE OF ELECTRONICS AND MECHANICAL ENGINEERING**
- EXHIBIT P3 : COPY OF MEMORANDUM OF MARKS IN DIPLOMA IN ELECTRONICS ENGINEERING (RADIO) OF THE PETITIONER**
- EXHIBIT P4 : COPY OF THE PROFICIENCY CERTIFICATE ISSUED TO THE PETITIONER**
- EXHIBIT P5 : COPY OF GRADUATION CERTIFICATE ISSUED TO THE PETITIONER**
- EXHIBIT P6 : COPY OF EXPERIENCE CERTIFICATE ISSUED BY CENTURY RAYON TO THE PETITIONER**
- EXHIBIT P7 : COPY OF THE CALL LETTER DATED 22/9/2012 FROM THE RESPONDENT**
- EXHIBIT P8 : COPY OF LETTER DATED 11/7/2013 ISSUED BY THE RESPONDENT**
- EXHIBIT P9 : COPY OF LETTER DATED 22/11/2013 ISSUED THE RESPONDENT**
- EXHIBIT P10 : COPY OF LIST OF INDIVIDUALS WHO PASSED THE PERSONAL INTERVIEW HELD ON 4/12/2013**
- EXHIBIT P11 : COPY OF LETTER OF APPOINTMENT BY DATED 26/12/2013 ISSUED BY THE RESPONDENT**
- EXHIBIT P12 : COPY OF NOTICE DATED 9/1/14 ISSUED TO THE RESPONDENT**

RESPONDENT(S)' EXHIBITS: N I L

//TRUE COPY//

P.A. TO JUDGE

JV

ANIL K. NARENDRAN, J.

W.P.(C) No.3098 of 2014

Dated this the 8th day of June, 2015

JUDGMENT

The petitioner, who is an Ex-service man has filed this writ petition seeking a writ of mandamus commanding the respondent to appoint him to the post of Production Supervisor in tune with Ext.P11 letter of appointment.

2. The Kerala Drugs and Pharmaceuticals Limited (hereinafter referred to as 'the respondent company') invited applications for the post of Production Supervisors (Foreman Grade) at Kerala Soaps, which is one of its units. It is not in dispute that going by the notification issued by the respondent company, the qualification prescribed for the post of Production Supervisor (Foreman Grade) is Diploma in Chemical/Mechanical Engineering with three years experience. Pursuant to that notification, the petitioner submitted Ext.P1 application. Ext.P2 is the Diploma Certificate obtained by the petitioner from the Military College of Electronics and Mechanical Engineering, which would make it clear that, the qualification possessed by the petitioner is Diploma in Electronics Engineering (Radio). Though the petitioner was not having the essential educational

qualification prescribed in the the notification issued by the respondent company, after undergoing the process of selection he was issued with Ext.P11 offer for appointment. The petitioner reported for joining duty at Kerala Soaps, on 06.01.2013, but the General Manager (A&HR) did not permit him to join duty on the ground that he does not have the requisite qualification for the post. It was in such circumstances, the petitioner has approached this Court in this writ petition seeking various reliefs.

3. A statement has been filed on behalf of the respondent in which it is contended, inter alia, that the petitioner does not have the requisite qualification of Diploma in Chemical / Mechanical Engineering with three years experience and hence cannot be appointed as Production Supervisor in the respondent company. Relying on Annexure-A application submitted by the petitioner, the respondent would contend that, though the petitioner does not possess the qualification prescribed in the notification, he has stated in the on-line application that he possesses the prescribed qualification and it was in such circumstances, his application was processed by the respondent company. But at the time of production of original certificates it was found that the petitioner does not have the required

qualification. In such circumstances, the respondent company is not in a position to offer him appointment.

4. I heard the arguments of the learned counsel for the petitioner and also the learned Standing Counsel for the respondent company.

5. It is not in dispute that going by the notification issued by the respondent company, the qualification prescribed for recruitment to the post of Production Supervisor is Diploma in Chemical / Mechanical Engineering with three years experience. As can be seen from Ext.P2 certificate, the petitioner is not having the aforesaid qualification but he is having Diploma in Electronics Engineering (Radio). If that be so, the petitioner is not having the qualification prescribed in Ext.P1 notification for the post of Production Supervisor. In such circumstances, I find absolutely no merit in the various grounds raised in the writ petition and the petitioner is not entitled for any of the reliefs prayed for in this writ petition.

In the result, the writ petition fails and the same is dismissed. No orders to cost.

SD/-
ANIL K. NARENDRAN,
JUDGE