

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 19TH DAY OF FEBRUARY 2015/30TH MAGHA, 1936

WP(C).No. 3216 of 2015 (B)

PETITIONER(S):

- 1. RECHITHA C.R, AGED 27 YEARS
D/O. RAMANAN S, CHAITHANYA, EZHUKONE, KOLLAM.**
- 2. NEEVAN R, AGED 26 YEARS
S/O. RAJENDRAN PILLAI, NAVANEETHA, NALLILA P.O
KOLLAM.**

**BY ADVS.SRI.PRATHEESH.P
SMT.S.SEETHA**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,
CO-OPERATIVE DEPARTMENT,
GOVT.SECRETARIAT, THIRUVANANTHAPURAM 695 001.**
- 2. THE DIRECTOR,
CO-OPERATIVE ACADEMY OF PROFESSIONAL EDUCATION (CAPE),
CO-BANK TOWERS, 1ST FLOOR, VIKAS BHAVAN P.O,
THIRUVANANTHAPURAM 695 033.**
- 3. LAL BAHADUR SHASTRI (LBS)
CENTRE FOR SCIENCE & TECHNOLOGY, PALAYAM
THIRUVANANTHAPURAM REPRESENTED BY ITS DIRECTOR -695 034.**

**R1 BY SENIOR GOVERNMENT PLEADER SRI.VIJULAL
R2 BY ADV. SRI.V.KRISHNA MENON, SC
R3 BY ADV. SRI.K.P.SUJESH KUMAR, SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1 THE TRUE COPY OF THE NOTIFICATION DATED 10-06-2014 PUBLISHED
BY THE 2ND RESPONDENT**

**EXHIBIT P2 THE TRUE COPY OF THE DECREE CERTIFICATE OF THE 1ST
PETITIONER**

**EXHIBIT P2(A) THE TRUE COPY OF THE DECREE CERTIFICATE OF THE 2ND
PETITIONER**

**EXHIBIT P3 THE COPY OF THE REPRESENTATION FILED BY THE 1ST PETITIONER
BEFORE THE 2ND RESPONDENT DATED 21-01-2015 ALONG WITH
RECEIPT**

**EXHIBIT P3(A) THE COPY OF THE REPRESENTATION FILED BY THE 2ND PETITIONER
BEFORE THE 2ND RESPONDENT DATED 21-01-2015 ALONG WITH
RECEIPT**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.MUHAMED MUSTAQUE, J.

W.P.(C)No.3216 of 2015

Dated this the 19th day of February, 2015

JUDGMENT

The petitioners are working as Assistant Professors on contract basis in the Department of Computer Science and Engineering at College of Engineering Kottarakkara, Kollam. The petitioners had applied for the post of the Assistant Professor on regular appointment under the respondents. The application of the petitioners were rejected on the ground that the petitioners failed to produce B. Tech certificates. Challenging the above, the writ petition is filed.

2. Admittedly, the written examination was scheduled in the first week of March, 2013. Admittedly, the petitioners are working in the College. It is true that there was an omission on the part of the petitioners to produce the certificates. However, the petitioners have produced M. Tech

certificates. In those circumstances, it cannot be said that non-production of B. Tech degree examination certificates is so fundamental to reject the petitioners' application for examination. This Court in similar situation in W.P.(C) No.31522/2014 directed the authorities to permit the petitioners therein to appear for the examination.

In view of the above judgment, the writ petition is allowed. The petitioners shall be permitted to take part in the written examination. It is now admitted that the petitioners have produced B.Tech certificates after the rejection of the application. In view of the above, based on the above certificates, the petitioners shall be permitted to take part in the examination and the results shall be published in accordance with the permission granted.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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