

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

MONDAY, THE 7TH DAY OF SEPTEMBER 2015/16TH BHADRA, 1937

WP(C).No. 3225 of 2015 (C)

PETITIONER(S):

**FOUSIYA, W/O SAMEER
APPLE HEIGHTS, DOOR NO.5A, TRIKKAKKARA P.O
PADAMUGAL, ERNAKULAM.**

**BY ADVS.SRI.K.R.AVINASH (KUNNATH)
SRI.ABDUL RAOOF PALLIPATH
SRI.C.H.ABDUL RASAC**

RESPONDENT(S):

- 1. THE EMPLOYMENT OFFICER
TOWN EMPLOYMENT EXCHANGE, KOTHAMANGALAM
ERNAKULAM DISTRICT, PIN-686691**
- 2. THE DISTRICT EMPLOYMENT OFFICER
DISTRICT EMPLOYMENT EXCHANGE, CIVIL STATION, KAKKANADU
ERNAKULAM.**
- 3. AIR PORT DIRECTOR
AIR PORTS AUTHORITY OF INDIA
TRIVANDRUM INTERNATIONAL AIRPORT
THIRUVANANTHAPURAM-695 008**
- 4. GENERAL MANAGER
AIR PORTS AUTHORITY OF INDIA
SOUTHERN REGION CHENNAI-600 027**

**R3&4 BY ADV. SRI.V.SANTHARAM
R1-R2 BY ADV.NOUSHAD THOTTATHIL, GOVERNMENT PLEADER**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07-09-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: COPY OF THE INTERVIEW CARD ISSUED BY THE 1ST RESPONDENT**
- EXT.P2: COPY OF THE APPLICATION DATED 27-5-14**
- EXT.P3: COPY OF THE REPLY DATED 27-6-14 ISSUED BY THE 1ST
RESPONDENT**
- EXT.P4: COPY OF THE REPLY DATED 10-7-14 ISSUED BY THE 3RD
RESPONDENT**
- EXT.P5: COPY OF THE LETTER DATED 10-9-2014 ISSUED BY THE 4TH
RESPONDENT**
- EXT.P6: COPY OF THE REPRESENTATION**

RESPONDENT(S)' EXHIBITS:

- R3(A) : COPY OF THE COMMUNICATION DATED 09.12.2004 ISSUED BY THE
FIRST RESPONDENT**
- R3(B) : COPY OF THE COMMUNICATION NO.AAI/NAD/TV/E-6/27 DATED
07.01.2005**
- R3(C) : COPY OF THE COMMUNICATION DATED 03.01.2007**

//TRUE COPY//

P.A.TO JUDGE

JV

ANIL K. NARENDRA, J.

W.P.(C) No.3225 of 2015

Dated this the 7th day of September, 2015

JUDGMENT

The petitioner who is an ITI Electronic Mechanic holder has filed this writ petition seeking a writ of mandamus commanding the respondents to give her appointment to the post of Junior Attendant in Airport Authority of India, Thiruvananthapuram. She has also sought for a writ of mandamus commanding the 1st respondent to consider and pass orders on Ext.P6 representation.

2. Going by the averments in the writ petition, the 1st respondent, namely, the Employment Officer, Town Employment Exchange, Kothamangalam issued Ext.P1 intimation by which the petitioner was asked to attend for an interview for the post of Junior Attendant in the Airport Authority of India, Thiruvananthapuram. The petitioner appeared before the 1st respondent on 09.12.2014. Thereafter, she was informed that there were three vacancies of Junior Attendant and that she was selected for the said post. She was also informed that all

documents pertaining to the said selection has been sent to the District Employment Exchange, Thiruvananthapuram. Thereafter, nothing was heard from the respondents regarding the selection so made.

3. On 27.05.2014, the petitioner's brother made Ext.P2 application before the 1st respondent under the Right to Information Act, to which Ext.P3 reply dated 27.06.2014 was received from the 1st respondent, stating that, though the name of the petitioner was sponsored for appointment to the post of Junior Attendant in Airport Authority, Thiruvananthapuram, nothing was heard from that office and as such, no further proceedings were taken. Later, the petitioner was issued with Ext.P4 communication of the 4th respondent by which she was informed that, since all recruitments are made either by the Regional Executive Director, Airports Authority of India, Southern Region, Chennai or the Chairman, Airport Authority of India, Rajiv Gandhi Bhavan, New Delhi, the required information may be obtained from the office of the 4th respondent. Later, on an application made to the 4th respondent, the petitioner was furnished with Ext.P5 information by which she was informed that, no application for the post of "Electronics Mechanic" was

invited by the 4th respondent during the year 2004. On receipt of Ext.P5, the petitioner submitted Ext.P6 representation before the 1st respondent to give her appointment in terms of Ext.P1 and thereafter, the petitioner has approached this Court in this writ petition seeking various reliefs.

4. A counter affidavit has been filed on behalf of the 1st respondent stating that, as per the records maintained by the said respondent, a communication was received from the District Employment Exchange, Thiruvananthapuram intimating that there are six vacancies of Junior Attendant (Electrical) in the Thiruvananthapuram Airport. Out of six vacancies, one is reserved for Scheduled Caste, one for Scheduled Tribe, three for Other Backward Community and one post for Unreserved Category. An interview was conducted for selecting eligible candidates and the list of eligible candidates was forwarded to the District Employment Exchange, Thiruvananthapuram on 09.12.2004 and that, the petitioner was also included in the aforesaid list.

5. A counter affidavit has been filed on behalf of respondents 3 and 4, contending, inter alia, that the writ petition is highly belated since the petitioner has approached this Court

after a lapse of nearly eleven years and on that ground, the writ petition is liable to be dismissed. The first respondent vide Ext.R3(a) communication dated 09.12.2004 had sponsored the name of the petitioner among others for the post of Junior Attendant (Electrical). Exhibit-R3(a) list, alongwith other lists were forwarded by the 3rd respondent to the 4th respondent under Ext.R3(b) communication dated 07.01.2005. All these lists were subsequently forwarded to the Corporate Headquarters. Since no reply has been received from the Corporate Headquarters in spite of repeated intimations, the 4th respondent vide Ext.R3(c) communication dated 03.01.2007 has intimated the Corporate Headquarters that the nominations made by the concerned Employment Exchanges are not valid now, since nearly two years have elapsed after receipt of nomination from the Exchanges and hence fresh requisition is to be placed in the concerned Employment Exchanges in the region calling for application afresh for the post of Junior Attendant (Electrical/AC + R/Electronics) and sought for the decision of the Corporate Headquarters to authorize the Regional Headquarters to go ahead with the selection within the powers vested with Regional Executive Director or the Corporate Headquarters to conduct

common uniform examination all over India. Subsequently, it was intimated by the Corporate Headquarters that the posts are not required at Thiruvananthapuram Airport and the Engineering Department and accordingly the said proposal was dropped/cancelled. Therefore, the petitioner is not entitled for the reliefs prayed for.

6. The petitioner has also filed a reply affidavit reiterating the contentions raised in the writ petition.

7. From the pleadings and documents on record, it is seen that, though the 1st respondent interviewed certain candidates including the petitioner and forwarded Ext.R3(a) list to the District Employment Officer, Thiruvananthapuram, based on the decision taken by the Airport Authority of India at its Corporate Headquarters that no posts are required to be filled up at Thiruvananthapuram Airport, the said proposal was dropped. The selection proceedings pursuant to Ext.P1 was conducted in the year 2004 and Ext.R3(a) list of candidates was forwarded to the District Employment Exchange on 09.12.2004. Therefore, the petitioner has approached this Court in this writ petition only after a lapse of nearly eleven years, complaining that the recruitment pursuant to Ext.P1 was dropped, without making

any appointment. As rightly contended by the learned counsel for respondents 3 and 4, the present writ petition is highly belated and on that sole ground the same is liable to be dismissed.

8. Further, as stated in the counter affidavit filed by respondents 3 and 4, it was based on a decision taken by the Airport Authority of India at its Corporate Headquarters level, the recruitment to the post of Junior Attendant at Thiruvananthapuram was dropped. In such circumstances, the petitioner cannot have any grievance since none was appointed pursuant to the aforesaid selection process, especially when the proposal for appointment was dropped for the reason that the posts in question are not required at Thiruvananthapuram Airport.

In the result, this writ petition fails and the same is dismissed. No order as to costs.

SD/-
ANIL K. NARENDHAN,
JUDGE

JV