

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE DAMA SESHADRI NAIDU

MONDAY, THE 16TH DAY OF FEBRUARY 2015/27TH MAGHA, 1936

WP(C).No.3479 of 2015 (H)

PETITIONER:

**PRADEEP M.P,PADINJAREKKANDY (HOUSE),
EDAKKAD,KANNUR (P.O)-670663.**

BY ADV. SRI.MOHANAN V.T.K.

RESPONDENTS:

- 1. THE REGIONAL JOINT DIRECTOR,
OFFICE OF THE URBAN AFFAIRS,
TAXI STAND BUILDING,PALAYAM,
KOZHIKODE-637002.**
- 2. DIRECTOR OF URBAN AFFAIRS,
PUBLIC OFFICE BUILDING,
THIRUVANANTHAPURAM-695001.**

R1 & R2 BY GOVT. PLEADER SMT.SANGEETHA K.A.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 16-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

pk

WP(C).No.3479 of 2015 (H)

APPENDIX

PETITIONER'S EXHIBITS:

**EXHIBIT P1:TRUE COPY OF THE SERVICE CERTIFICATE OF THE PETITIONER
DATED 19.8.2013.**

**EXHIBIT P2:TRUE COPY OF THE INTIMATION ISSUED BY FIRST RESPONDENT
NO.E-2050/2008(5231) WITH ENGLISH TRANSLATION.**

**EXHIBIT P3:TRUE COPY OF THE REPLY NOTICE 18.12.2013 SENT BY PETITIONER
TO THE IST RESPONDENT WITH ENGLISH TRANSLATION.**

**EXHIBIT P4:TRUE COPY OF THE LETTER SENT BY THE IST RESPONDENT NO.E-
2050/2008(5231) WITH ENGLISH TRANSLATION.**

**EXHIBIT P5:TRUE COPY OF THE LETTER SENT BY THE FIRST RESPONDENT
NO.E-2050/2008(5231) WITH ENGLISH TRANSLATION.**

**EXHIBIT P6:TRUE COPY OF THE LETTER DATED 27.6.2014 SENT BY THE IST
RESPONDENT NO.E-2050/2008 (5231) WITH ENGLISH TRANSLATION.**

**EXHIBIT P7:TRUE COPY POF THE LETTER DATED 12.9.2014 SENT BY
PETITIONER TO THE IST RESPONDENT WITH ENGLISH
TRANSLATION.**

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 3479 of 2015

Dated this the 16th day of February, 2015

JUDGMENT

Heard the learned counsel for the petitioner and the learned Government Pleader for the respondents, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. Briefly stated, the petitioner, after securing a Diploma in Civil Engineering, worked for twenty two years in Indian Railways and eventually took voluntary retirement while serving as Junior Engineer, as could be seen from Exhibit P1 dated 20.08.2013. When he applied for registration as 'Supervisor B' as per Kerala Municipality Building Rules, the first respondent rejected it through Exhibit P6 holding that the petitioner did not have two years experience in terms of 'Appendix L' of the Municipality Building Rules. Aggrieved thereby, the petitioner has filed

the present writ petition.

3. It is not in dispute that the petitioner did possess the qualification, i.e. Diploma in Civil Engineering. 'Appendix L' mandates that a candidate to be certified as 'Supervisor B' should have a Diploma in Civil Engineering with two years experience under an architect or engineer. As could be seen from Exhibit P6, the first respondent is of the opinion that, notwithstanding the petitioner's experience in Indian Railways, in terms of Rule 151, he ought to have two years' experience in Civil Engineering.

4. Indeed, a literal interpretation of the qualification prescribed under 'Appendix L' does indicate that one ought to have two years' experience under an architect or an engineer, apart from possessing the basic qualification of Diploma in Civil Engineering; on the other hand, if a purposive construction is put on the provision, it is very evident that a person is required to have sufficient experience under a competent person.

5. It is pertinent to appreciate the contention of the learned counsel for the petitioner that the petitioner's experience spanning across more than two decades in a

Central Government organization is a matter of record and that when it comes to having two years' experience under a private engineer, more often than not, they could be produced without any actual experience.

6. At any rate, I am of the considered opinion that the experience so indicated under 'Appendix L' stands fairly fulfilled by the petitioner inasmuch as he has worked for more than two decades in the Civil Engineering Department of the Indian Railways, where he presumably worked under competent engineers, his superiors.

7. In the facts and circumstances, for the reasons stated above, Exhibit P6 is set aside. The first respondent is further directed, on petitioner's filing a fresh application, to consider the same in accordance with law, however on the premise that the petitioner has fulfilled the eligibility criterion prescribed under 'Appendix L' of the Kerala Municipality Building Rules.

With the above observation, this writ petition is disposed of. No order as to costs.

DAMA SESHADRI NAIDU
JUDGE

DMR/-