

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

WEDNESDAY, THE 4TH DAY OF NOVEMBER 2015/13TH KARTHIKA, 1937

WP(C) .No. 7433 of 2012 (D)

PETITIONER(S) :

SURESH, AGED 41 YEARS,
S/O.R.VASUDEVAN PILLAI, KOIKKALAM PARAMBIL,
EDASSERIMALA, ARNMULA P.O., PALAPPUZHA DISTRICT.

BY ADV. SRI.JESWIN P.VARGHESE

RESPONDENT(S) :

CO-OPERATIVE ACADEMY OF PROFESSIONAL EDUCATION,
CO-OPERATIVE BANK TOWERS, 1ST FLOOR,
VIKAS BHAVAN P.O.,
TRIVANDRUM PIN-695033, REP.BY ITS DIRECTOR

BY ADV. SRI.C.UNNIKRISHNAN,SC,CO-OP ACADEMY OF
ADV. SRI.E.K.MADHAVAN
ADV. SRI.V.KRISHNA MENON
ADV. SMT.P.VIJAYAMMA
ADV. SRI.P.J.ANILKUMAR
ADV. SMT.J.SURYA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY
HEARD ON 04-11-2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

WP(C).No. 7433 of 2012 (D)

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 - TRUE COPY OF NOTIFICATION ISSUED BY THE RESPONDENT.

EXT.P2 - TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER DATED 1/9/2011.

EXT.P3 - TRUE COPY OF THE NOTIFICATION ISSUED BY THE CENTRAL GOVERNMENT DATED 16/1/2006.

EXT.P4 - TRUE COPY OF THE LETTER ISSUED BY AICTE DATED 8/1/2001.

EXT.P5 - TRUE COPY OF THE REPRESENTATION SUBMITTED THE RESPONDENT DATED 26/11/2011.

EXT.P6 - TRUE COPY OF THE ORDER ISSUED BY THE RESPONDENT DATED 6/1/2012.

EXT.P7 - TRUE COPY OF THE NOTIFICATION OF THE RESPONDENT PUBLISHED IN THE MATHRUBHUMI NEWSPAPER DATED 21/8/2011.

EXT.P8 - TRUE COPY OF THE RELEVANT PAGES OF THE REGULATIONS PUBLISHED BY THE UGC DATED 30/6/2010.

EXT.P9 - TRUE COPY OF MASTER'S DEGREE CERTIFICATE ISSUED BY ANNA UNIVERSITY UNDER THE FACULTY OF CIVIL ENGINEERING.

EXT.P10 - TRUE COPY OF CERTIFICATE FOR PASSING AMIE SECTION A & B ISSUED BY INSTITUTION OF ENGINEERS (INDIA) DATED 26/10/2002.

EXT.P11 - TRUE COPY OF ASSOCIATE MEMBERSHIP CERTIFICATE ISSUED BY THE INSTITUTION OF ENGINEERS (INDIA) DATED 25/9/2002.

EXT.P12 - TRUE COPY OF THE EQUIVALENCY CERTIFICATE ISSUED BY MAHATMA GANDHI UNIVERSITY, KOTTAYAM DATED 30/4/2012.

EXT.P13 - TRUE COPY OF THE NOTIFICATION ISSUED BY THE UGC.

EXT.P14- TRUE COPY OF THE NOTIFICATION ISSUED BY THE RESPONDENT DATED 30/3/2013.

EXT.P15 - TRUE COPY OF NOTIFICATION NO.F.18-4/78-T7 ISSUED BY THE GOVERNMENT OF INDIA DATED 16/8/1978.

EXT.P16 - TRUE COPY OF EXPERIENCE CERTIFICATE ISSUED BY INDIAN INSTITUTE OF SCIENCE, BANGALORE DATED 24/7/2014.

EXT.P17 - TRUE COPY OF THE LIST OF YFRA AWARDEES - 2003 PUBLISHED BY IIT, MADRAS.

RESPONDENT'S EXHIBITS:

EXT.R1 - TRUE COPY OF THE LETTER DATED 15/7/2014 OF THE DIRECTION OF TECHNICAL EDUCATION.

EXT.R2 - TRUE COPY OF THE LETTER DATED 19/7/2011 OF AICTE.

//true copy//

P.S. to Judge

K. HARILAL, J.

W.P. (C) No.7433 of 2012-D

Dated this the 4th day of November, 2015

JUDGMENT

The petitioner is graduate in Section A & B (Civil Engineering) of the Associate Member in Institution of Engineers (AMIE) in the year 2001 with 50.02% marks and Post Graduate in Civil Engineering in the year 2011 with 83.68% marks from Anna University, Chennai. The respondent invited application to different posts in their Engineering College. As per Ext.P1 notification, the candidates possessing BE/B.Tech or equivalent are entitled to apply to the post of Assistant Professor (Civil Engineering). According to the petitioner, he is qualified to apply and he applied for the said post. His qualification is equivalent to BE/B.Tech., as per Ext.P3 notification

issued by the Central Government; but the respondent has not issued registration number to the petitioner to participate in the examination. Being aggrieved by the denial of right to appear in the examination, the petitioner filed this writ petition seeking to issue a writ of mandamus or order or direction to the respondent to permit the petitioner to participate in the examination to the post of Assistant Professor (Civil Engineering) scheduled to 24/3/2012 and to declare his result. A declaration was also sought for to the effect that he is qualified to apply to the post of Assistant Professor (Civil Engineering) in the Engineering College under the respondent.

2. At the time of admission, this Court passed an interim order dated 23/3/2012, directing the respondent to permit the petitioner to participate in the examination to the post of Assistant Professor (Civil Engineering) scheduled to be held on 24/3/2012 provisionally and hall ticket will be issued to the petitioner accordingly. In the light of the said interim

order, the petitioner appeared in the examination and he is included in the rank list at rank No.14. Thereafter, the candidates ranked as '15, 21, 23 and 25' were given appointment to the post. Aggrieved by the denial of appointment, the petitioner again approached this Court and filed W.P.(c) No.16315/2013 with a prayer to quash the order appointing his juniors ranked as '15, 21, 23 and 25' and also to declare that he is qualified to be appointed to the said post.

3. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondent.

4. The learned counsel for the respondent, at the outset, produced a copy of the judgment passed in W.P.(c) No.16315/2013 and submits that after the denial of the appointment, the petitioner has filed the above writ petition with a prayer to quash the appointments given to his juniors ranked as '15, 21, 23 and 25' and to make a declaration that he is qualified to be appointed to the post of Assistant Professor (Civil Engineering) and the above writ

petition was heard on 15/6/2015 and this Court dismissed the same on a finding that the judgment is covered by the decision of the Division Bench in W.A. No.1276/2014 wherein it was stated that AICTE is competent to prescribe the qualification.

5. The learned counsel for the petitioner also admitted that after appearing in the examination, pursuant to the interim order passed by this Court in the writ petition, he passed the written examination and included in the rank list at rank No.14; but the respondent has denied the appointment to him on the reason that his qualification AMIE is not equivalent to BE/B. Tech. Aggrieved by the denial of appointment, he filed W.P.(C) No.16315/2013, challenging the denial of appointment and also sought for a declaration that he is qualified to be appointed to the post of Assistant Professor (Civil Engineering) and the said writ petition was heard on 15/6/2015 and dismissed in the light of the decision of the Division Bench of this Court in W.A. No.1276/2014.

6. In view of the submissions made at the Bar, I find that the matter in issue involved in this writ petition has already been decided by another learned Judge of this Court in W.P.(c) No.16315/2013. Therefore, the judgment passed by the learned Judge in the above writ petition is binding on this Court also and the matter in issue involved in this writ petition will also stand covered by the above judgment.

With the above observations, this writ petition will stand dismissed.

Sd/-

(K. HARILAL, JUDGE)

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P.S. to Judge

