

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 27TH DAY OF NOVEMBER 2015/6TH AGRAHAYANA, 1937

WP(C).No. 8171 of 2013 (V)

PETITIONERS:

- 1. SREEJITH C.V. AGED 39 YEARS
S/O.RAGHAVAN K.C., "SREERAGAM", ADOOR
KADACHIRA P.O., KANNUR DISTRICT-670 621.**
- 2. VINIL M.B. AGED 37 YEARS
S/O. M.M.BALAKRISHNAN, MADAVANA HOUSE, RANDAR P.O.
MUVATTUPUZHA, ERNAKULAM DISTRICT-686 673.**

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENTS:

- 1. KERALA AGRICULTURAL UNIVERSITY
REPRESENTED BY ITS REGISTRAR, VELLANIKKARA
THRISSUR-680 001.**
- 2. THE REGISTRAR
KERALA AGRICULTURAL UNIVERSITY, VELLANIKKARA
THRISSUR-680 001.**
- 3. EXECUTIVE COMMITTEE
KERALA AGRICULTURAL UNIVERSITY
REPRESENTED BY ITS CHAIRMAN, VELLANIKKARA
THRISSUR-680 001.**

**R1-R3 BY ADV. SRI.BABU JOSEPH KURUVATHAZHA,SC,KERALA
AGRICULTURAL UNIVERSI
BY SRI.BABU JOSEPH KURUVATHAZHA,SC,KERALA AGRICULTURAL**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27-11-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONERS' EXHIBITS

- P1 : COPY OF THE NOTIFICATION NO.GA/K2/3712/2002, DTD.19.2.2004 ISSUED BY THE RESPONDENTS.**
- P2 : COPY OF THE RANKED LIST DTD.1.6.2010 FOR THE POST OF LDV DRIVER IN KERALA AGRICULTURAL UNIVERSITY.**
- P3 : COPY OF THE GO(RT)NO.88/10/AD DTD.18.1.2010.**
- P4 : COPY OF THE REPLY DTD.24.8.2012 ISSUED BY THE KERALA AGRICULTURAL UNIVERSITY UNDER RTI ACT TO ONE SRI.VINOD KUMAR M.G.**

RESPONDENT(S)' EXHIBITS

- R1(A) TRUE COPY OF THE JUDGMENT DATED 26.6.2012 IN W.A. 505/2011 OF THIS HON'BLE COURT**

//TRUE COPY//

P.A. TO JUDGE

JJJ

K. VINOD CHANDRAN, J.

W.P.(C) No. 8171 of 2013 (V)

Dated this the 27th day of November, 2015

J U D G M E N T

The petitioners are rank nos. 38 and 66 in a list prepared by the Kerala Agricultural University for appointment of drivers. The notification was by Ext.P1, where, inter alia 10 posts of LDV drivers were notified.

2. It is the contention of the petitioner that even prior to the publication of the list, the Government had sanctioned the filling up of vacancies of LDV drivers, to the extent of 78 vacancies, as per Ext.P3. Ext.P2 was the rank list published on 1.6.2010, which had a validity period of three years i.e., till 30.05.2013. 40 persons are said to have been appointed as per the rank list. The petitioners claim that further vacancies also be filled up from the said rank list.

3. For one, it is to be noticed that the validity of the rank list has expired. Further, on a challenge made with respect to the non appointment of persons from the rank list, to the extent of the vacancies notified, this Court had considered the issue in W.A. No.505/2011 dated 26.6.2012. This Court specifically found that 78 vacancies, directed to be filled up, are definitely on the higher side looking at the size of the University and even made an observation that it gives a feeling that the University is reduced to a Driving School. In any event, the Division Bench specifically found that the validity of the list is over and that there could be no further appointments made. It was also observed that, if at all, new vacancies exist, the University could bring out a fresh notification. In fact, the said procedure has also been upheld by a Full Bench of this Court in **Ravidas v. Public Service Commission - 2009 (2) KLT 295 (F.B.)**.

4. A review is also said to have been filed from the above judgment of the Division Bench, which was also dismissed by the Division Bench. However, looking at the passage of time, it is only appropriate that, the University, if at all vacancies exist, publish a new notification, going by the dictum of the Full Bench.

Writ petition is dismissed. No costs.

Sd/-
K.VINOD CHANDRAN,
JUDGE