

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 16TH DAY OF OCTOBER 2015/24TH ASWINA, 1937

WP(C).No. 7540 of 2015 (N)

PETITIONER(S):

**RAHUL RAVEENDRAN.R, AGED 24 YEARS
S/O.RAVEENDRAN, SREERAS, KALARI
PANMANA, CHAVARA, KOLLAM-691 013.**

BY ADV. SRI.ARUN BABU

RESPONDENT(S):

**KERALA MINERALS AND METALS LTD.
SANKARAMANGALAM, CHAVARA KOLLAM-691 583.
REPRESENTED BY ITS GENERAL MANAGER.**

**R1 BY ADV. SRI.K.ANAND (SR.)
R1 BY ADV. SMT.LATHA KRISHNAN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 16-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1. TRUE COPY OF THE NOTIFICATION NO. TP/PD/R-3/13 DATED 3/8/2013.**
- EXT.P2. TRUE COPY OF THE CALL LETTER FOR THE WRITTEN TEST DATED 19/11/2014.**
- EXT.P3. TRUE COPY OF THE RELEVANT PAGES OF THE NOTIFICATION DATED 2/1/2015 SHOWING THE LIST OF ELIGIBLE CANDIDATES FOR THE SKILL TEST.**
- EXT.P4. TRUE COPY OF THE LETTER DATED 20/2/2015 ISSUED BY THE RESPONDENT**

RESPONDENT(S)' EXHIBITS: NIL

// TRUE COPY //

PA TO JUDGE.

SB

K. VINOD CHANDRAN, J.

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Dated this the 16th day of October, 2015

J U D G M E N T

The petitioner is aggrieved with the fact that the petitioner has been asked to produce certificates in proof of his claim under Category 'III' of Ext.P1 notification, which was not a stipulation of Ext.P1. The petitioner admittedly applied under Ext.P1 for the post of Junior Operator Trainee. He also claimed consideration under Category 'III' "being a person belonging to the surrounding Panchayath of the company and who had worked at the contract site in the company".

2. The petitioner was called for a written test as per Ext.P2, which he appeared in and qualified. A skill test was also conducted as per Ext.P3, which too he is said to have cleared. Then the petitioner was issued with Ext.P4 call letter for the interview, wherein he was directed to appear on 04.03.2015 with

proof of his belonging to Category 'III'. As for the proof, the company specified that there should be a Nativity Certificate and candidates having 100 days attendance or engagement for atleast one year in the contract site of the company, should produce the proof of EPF/ESI remittance before the authorities.

3. This Court cannot find any defect in the same. The certificate issued by the contractor may not be sufficient, since a contractor could issue the same even when there was no engagement and the employment could be verified only with a public record. The remittance of EPF/ESI would in fact clearly indicate the engagement by the contractor.

4. However, the petitioner's contention is that it was not a part of the notification. The notification clearly indicates that there should be sufficient proof produced. The petitioner cannot decide on what is the proof, which he would produce before the authorities. The petitioner claims to have gone for the interview and produced the Nativity Certificate and the

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Experience Certificate, which however is not produced herein. Further the interview was on 04.03.2015 and if the petitioner was aggrieved by the stipulation of production of proof, he ought to have approached this Court immediately there on. The petitioner has chosen to approach this Court on 09.03.2015 after he was allegedly declined consideration in the interview.

The writ petition for all the above reasons is devoid of merit and would stand dismissed.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

SB/ 16/ 10 /2015

// true copy //

P.A to Judge.