

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 15TH DAY OF SEPTEMBER 2015/24TH BHADRA, 1937

WP(C).No. 7728 of 2015 (M)

PETITIONER:

**SALAMMA C.A., AGED 39 YEARS
D/O.AVIRA, CHERUKACHIRA, KOTHAVARA P.O.
VAIKOM, KOTTAYAM DISTRICT, PIN - 686 607.**

BY ADV. SRI.P.I.JAYAKUMAR

RESPONDENTS:

- 1. THE DIRECTOR OF COLLEGIATE EDUCATION
OFFICE OF THE DIRECTOR OF COLLEGIATE EDUCATION
6TH FLOOR, VANCHIYOOR P.O., 695 033
THIRUVANANTHAPURAM.**
- 2. THE MANAGER, BHARATH MATHA COLLEGE
THRIKKAKARA P.O., COCHIN - 682 031.**

**BY ADV. SRI.V.M.KURIAN
GOVERNMENT PLEADER SRI. P.M. JOSEPH**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
15-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

JUDGMENT

The above writ petition is dismissed for default.

Sd/-

**K. VINOD CHANDRAN,
JUDGE**

//TRUE COPY//

P.A. TO JUDGE

K. VINOD CHANDRAN, J

W.P(C) No. 7728 of 2015

Dated this the 04th day of December, 2015

J U D G M E N T

The petitioner on the basis of the intermittent employment, from 1999 onwards, as a last grade servant in the 2nd respondent college, claims appointment as a Peon in the 2nd respondent college. Admittedly, the 2nd respondent brought out a notification for selection to the said post. The petitioner also applied under the notification and did not claim any regularisation at the time of the notification.

2. After selection, Ext.P3 rank list was published wherein ten persons were selected out of which the petitioner was the 6th rank holder. The rank list was published on 5.5.2014 and it had a validity of one year. The petitioner has filed the above writ petition on 10.03.2015 just prior to the expiry period of the rank list. The allegation raised in the writ petition is that the 5th rank holder did not, in fact, file an application and her name was

included illegally to favour her.

3. The learned counsel for the 2nd respondent would in fact contend that only three vacancies were notified and the rank holders 1 to 3 were appointed and the 5th rank holder has not been appointed. In such circumstance, the allegation in the writ petition need not be looked into at all. Further, the learned counsel for the petitioner, across the Bar, submits that the petitioner had a claim for regularisation in the post notified. It is too late in the day to make such a claim since she applied under the notification and on failing to be selected has turned around to raise such a contention; which in any event is not sustainable. The petitioner also has not impleaded the rank holders 1 to 3 in the writ petition. It is to be noticed that neither the 5th rank holder or any of the other rank holders have been impleaded in the writ petition.

4. The claim for regularisation is apart from the claim

under the notification both of which are not tenable. This Court is not inclined to grant any of the reliefs sought for in the writ petition.

Writ petition is dismissed. No costs.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

jma //true copy//

P.A to Judge