

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 21ST DAY OF OCTOBER 2015/29TH ASWINA, 1937

WP(C).No. 18230 of 2005 (T)

PETITIONERS:

- 1. SUDHEESH.P.V., KATTACHERY,
KARIVELLUR P.O., KANNUR DISTRICT.**
- 2. LATHISH.M., MATTANKIL,
PATTUVAN, IRIKKUR P.O., KANNUR DISTRICT.**

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENTS:

- 1. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY SECRETARY
KERALA STATE ELECTRICITY BOARD, VAIDYUTHI BHAVAN
THIRUVANANTHAPURAM.**
- 2. THE CHIEF ENGINEER (HRM),
KERALA STATE ELECTRICITY BOARD, VYDHYUTHI BHAVAN
PATTOM, THIRUVANANTHAPURAM.**
- 3. KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY THE SECRETARY
KERALA PUBLIC SERVICE COMMISSION, PATTOM
THIRUVANANTHAPURAM.**

**ADDL.4 VIJESH A.P.
KRISHNA NIVAS, PALAYAD P.O.
THALASSERRY-670 661.**

ADDL.R4 IS IMPEADED AS PER ORDER DATED 29.03.2006 IN IA NO.4801/2006

**BY ADVS. SRI.K.S.ANIL, SC, KSEB
SRI.P.C.SASIDHARAN, SC, KPSC
SRI.JOSE J.MATHEIKEL, SC, KSEB**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONERS' EXHIBITS :-

- | | | |
|--------|---|--|
| EXT.P1 | - | COPY OF THE NOTIFICATION FOR CATEGORY NO.29/2002 ISSUED BY THE KPSC. |
| EXT.P2 | - | COPY OF THE ADMISSION TICKET ISSUED BY THE KPSC TO THE 1ST PETITIONER. |
| EXT.P3 | - | COPY OF THE ADMISSION TICKET ISSUED BY THE KPSC TO THE 2ND PETITIONER. |
| EXT.P4 | - | COPY OF THE QUESTION BOOKLET WITH RESPECT TO THE WRITTEN TEST CONDUCTED BY THE KPSC TO THE POST OF ASSISTANT ENGINEER (ELECTRICAL) IN KSEB. |
| EXT.P5 | - | COPY OF THE RELEVANT PAGES OF THE QUESTION BANK IN ELECTRICAL AND ELECTRONICS ENGINEERING WRITTEN BY DR.HARISH C. RAI AND ASHOK RAJ AND PUBLISHED BY GALGOTIA PUBLICATIONS PVT. LTD. (1999). |
| EXT.P6 | - | COPY OF THE NEWS REPORTS WHICH APPEARED IN MALAYALA MANORAMA DAILY. |
| EXT.P7 | - | COPY OF THE EDITORIAL WHICH APPEARED IN MATHRUBHUMI THOZHIL VARTHA DATED 26.02.2005. |
| EXT.P8 | - | COPY OF THE REPRESENTATION DATED 05.06.2005 FILED BY THE PETITIONERS BEFORE THE RESPONDENTS. |

RESPONDENTS' EXHIBITS:- NIL

//TRUE COPY//

P.A. TO JUDGE

sp

K. VINOD CHANDRAN, J.

W.P(C). No.18230 of 2005

Dated this the 21st day of October, 2015.

JUDGMENT

The petitioners are graduates in Electrical Engineering, who assailed the selection process made to the post of Assistant Engineer (Electrical) in the respondent Board for two reasons; one that the essential qualification included graduation in Electronics and Telecommunication also and the other that the question paper contained 58% of questions from the Electronics branch. The learned counsel for the Public Service Commission however submits that this Special Rules specifically provided for these alternate qualifications for appointment to the post of Assistant Engineer (Electrical).

2. The learned counsel for the petitioner points out that the post being Assistant Engineer (Electrical), no selection could be made from persons having graduate qualification in Electronics

and Telecommunication. Essentially, it is to be noticed that, when there is no challenge to the Special Rules, this Court would not go into the un-reasonableness of the alternate qualification prescribed in the Special Rules, as equivalent qualification.

3. Further, it is to be noticed that the notification produced by Ext.P1 was in the year 2002. The petitioners, who were graduates in Electrical Engineering, had applied under the said notification. The petitioners knew that even graduates in Electronics and Telecommunication were entitled to appear for the selection and apply under the notification. The petitioners never raised a challenge at the proper time against the notification. The challenge obviously was raised when they appeared for the examination and found themselves unable to mark effective answers for reason of the alleged 58% of the questions being those under Electronics.

4. Petitioners have produced Ext.P5 to indicate that most of the questions were taken from the question booklet of a private agency. This Court has to confess that this Court does not have the expertise to look into the questions and understand whether

they are out of Electronics or that included in the subject of Electrical. In any event, it is to be noticed that the dividing line between Electronics and Electrical is rather thin and not quite distinguishable. The Special Rules and the notification itself conferring eligibility on both the graduates of Electrical Engineering and those in Electronics, this Court does not find any reason to interfere with the selection process, even if there was a prevalence of questions from the subject of Electronics.

The writ petition would stand dismissed for all the aforesaid reasons. No costs.

**K. VINOD CHANDRAN,
JUDGE**

sp/26/10/15