

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 5TH DAY OF OCTOBER 2015/13TH ASWINA, 1937

WP(C).No. 20701 of 2004 (M)

PETITIONER(S) :

SINISH M.S.,
S/O.SREENIVASAN M.K.,
MADATHIPARAMBIL HOUSE, P.O.VELLANIKKARA,
CHIRANKKAKKODE.

BY ADVS.SRI.K.RAMAKUMAR (SR.)
SRI.T.RAMPRASAD UNNI

RESPONDENT(S) :

1. THE KERALA AGRICULTURAL UNIVERSITY.
VELLANIKKARA, THRISSUR, REP. BY ITS REGISTRAR.
2. THE VICE-CHANCELLOR,
KERALA AGRICULTURAL UNIVERSITY, VELLANIKKARA,
THRISSUR DISTRICT.
3. SRI.P.R.KARTHIKEYAN,
FARM ASSISTANT (SENIOR GRADE),
KRISHI VIGYANA KENDRA, RARS CAMPUS,
KUMARAKOM, KOTTAYAM 686 566.
4. P.C.GIRIJAVALLABHAN,
FARM ASSISTANT (SELECTION GRADE),
KRISHI VIGNYANA KENDRA, RARS CAMPUS,
KUMRAKOM, KOTTAYAM 686 566.
5. SRI.M.V.PREMARAJAN,
FARM ASSISTANT (SELECTION GRADE),
KRISHI VIGYAN KENDRA, RARS,
PANNIYUR, KANNUR - 670 141.

R1,2 BY SRI.N.D.PREMACHANDRAN, SC, AGRL.UNTY.

R3,4 & 5 BY ADV. SRI.N.N.SUGUNAPALAN (SR.)

R1 & 2 BY SRI.BABU JOSEPH KURUVATHAZHA, SC, K.A.U.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05-10-2015,
ALONG WITH WPC. 30232/2004, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

- EXT.P1: TRUE COPY OF THE JUDGMENT DATED 18/10/1996 IN OP NO.11224/95.
- EXT.P2: TRUE COPY OF ORDER NO.EXTN.(2)91083/2004 DT. 30/03/2004 ISSUED BY R1.
- EXT.P3: TRUE COPY OF ORDER NO.EXTN.(2)91083/2003(I) DT. 17/04/2004 ISSUED BY R1.
- EXT.P4: TRUE COPY OF ORDER NO.GA/B1/17302/94 DT. 03/07/2004 ISSUED BY R1.
- EXT.P5: TRUE COPY OF REPRESENTATION DT. 01/04/2004 SUBMITTED BY THE KERALA AGRICULTURAL UNIVERSITY COLLEGE OF HORTICULTURE STUDENTS' UNION.
- EXT.P6: TRUE COPY OF REPRESENTATION DT. 08/07/2004 SUBMITTED BY THE KERALA AGRICULTURAL UNIVERSITY OF COLLEGE OF HORTICULTURE STUDENTS UNION.

RESPONDENT(S) ' EXHIBITS :

- EXT.R5 (A) : TRUE COPY OF THE GUIDELINES ISSUED FOR POSTINGS IN THE KRISHI VIGYAN KENDRAS UNDER THE KERALA AGRICULTURAL UNIVERSITY.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.V.RAMAKRISHNA PILLAI, J

WPC Nos.20701 &
30232 of 2004

Dated this the 5th day of October, 2015

JUDGMENT

The issue involved in these writ petitions relate to the qualification of candidates to be posted as Technical Assistants in the Kerala Agricultural University.

2. In WPC No.20701/2004, the petitioner is challenging an order issued by the respondent University by posting certain persons, who, according to the petitioners, were unqualified and ineligible to the post of Technical Assistant and the Krishi Vigyan Kendra evolved by the Indian Council of Agriculture Research (ICAR).

3. According to the petitioner, the posting of unqualified hands is patently contrary to a judgment already rendered by this Court in O.P.No.11224/1995. According to the petitioner, he is a graduate in B.Sc (Agriculture) having obtained degree in the year 2001 and he is eligible to be appointed to the aforesaid post.

4. The grievance projected by the petitioner is that in utter violation of the aforesaid judgment passed by this Court, the respondent University has posted some of the diploma holders now functioning as Farm Assistant to the post of Technical Assistant under the Krishi Vigyan Kendra in Kumarakom and Panniyur respectively. It is with this background, the petitioner has come up before this Court.

5. In WPC No.30232/2004 the petitioners are persons working in the category of Farm Assistant in the Kerala Agricultural University. They allege that the Krishi Vigyan Kendra is one of the projects implemented by the University with the aid of the ICAR. In that project, there are posts of Technical or Training Assistants to man the KVKS. These posts are manned by officers from Agricultural University. The Farm Assistants are Diploma Holders. Earlier, only B.Sc Degree holders in Agriculture alone were appointed to the posts of Technical/Training Assistants. According to the petitioner, in terms of qualifications and experience, the categories of Farm Assistant in the University and Technical Assistant in KVKS

are one and the same. Therefore, the petitioners are entitled to be posted as Technical Assistants in the ICAR projects or to be treated as one and the same category of Technical Assistant. According to the petitioners, taking into consideration of this aspect, the University has appointed some senior most Farm Assistants to the post of Technical or Training Assistants recently; it is alleged. Challenging this, a stranger to the University has filed a writ petition before this Court and the same is pending. Therefore, the petitioners filed a representation before the University to frame regular rules for prescribing qualifications and making appointments to the post of Technical Assistants or Training Assistants and the same has not been disposed of so far. Due to inaction on the part of the respondents in considering the grievances of the petitioners, they are put to irreparable hardship as they are losing further advancement in their career. It is with this background the petitioners have come up before this Court.

6. Today when the matter came up for hearing, it is

submitted by both sides that Ext.P4 representation filed by the petitioner in WPC No.30232/2004 and Exts.P5 and P6 representations filed by the petitioner in WPC No.20701/2004 are pending before the respondent University. Both sides submitted that the petitioners would be satisfied if a direction is given to the respondent University to consider their representations.

In the light of the above, these writ petitions are disposed of directing the respondent University to consider Ext.P4 representation in WPC No.30232/2004 and Exts.P5 and P6 representations in WPC No.20701/2004 after affording the petitioners in both the cases and other affected parties an opportunity of being heard within a period of three months from the date of receipt of a copy of this judgment.

**Sd/- A.V.RAMAKRISHNA PILLAI
JUDGE**

css/

true copy

P.S.TO JUDGE