

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 20TH DAY OF MARCH 2015/29TH PHALGUNA, 1936

WP(C).No. 9194 of 2014 (Y)

PETITIONER :

**C. JAYAKUMAR,
PANCHAVADYAM, ADOOR DEVASWOM,
TRAVANCORE DEVASWOM BOARD, KOTTARAKKARA GROUP,
(PANCHAMI, THUVAYOOR NORTH, MANAKALA.P.O.,
ADOOR, PATHANAMTHITTA DISTRICT.)**

**BY ADVS.SRI.K.SASIKUMAR
SRI.R.ROHITH**

RESPONDENT(S):

- 1. TRAVANCORE DEVOSWOM BOARD,
THIRUVANANTHAPURAM,
REPRESENTED BY ITS SECRETARY. PIN-695 104.**
- 2. DEVASWOM COMMISSIONER,
TRAVANCORE DEVASWOM BOARD,
THIRUVANANTHAPURAM.PIN-695 104.**
- 3. ASSISTANT DEVASWOM COMMISSIONER,
TRAVANCORE DEVASWOM BOARD, KOTTARAKARA GROUP,
KOTTARAKARA.PIN- 691 506.**

R1 TO R3 BY SRI.A.N.RAJAN BABU, SC, TRAVANCORE DEVASWOM BOARD

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 2-02-2015, THE COURT ON 20-03-2015 DELIVERED
THE FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

- P1- A TRUE COPY OF THE B.A. DEGREE CERTIFICATE DATED 31.12.1997.
- P2- A TRUE COPY OF THE CERTIFICATE DATED 20.2.1987 ISSUED BY THE GOVERNMENT OF KERALA, BOARD OF TECHNICAL EXAMINATIONS FOR PASSING TYPEWRITING (ENGLISH) LOWER.
- P3- A TRUE COPY OF THE CERTIFICATE DATED 28.10.1990 ISSUED BY THE GOVERNMENT OF KERALA, BOARD OF TECHNICAL EXAMINATIONS FOR PASSING TYPEWRITING (ENGLISH) HIGHER.
- P4- A TRUE COPY OF THE CERTIFICATE DATED 20.3.2013 ISSUED BY THE GOVERNMENT OF KERALA, BOARD OF TECHNICAL EXAMINATIONS FOR PASSING TYPEWRITING (MALAYALAM) AND COMPUTER WORD PROCESS IN LOWER AND COMPUTER WORD PROCESSING ENGLISH LOWER IN THE EXAMINATION SEPTEMBER 2012.
- P5- A TRUE COPY OF THE CERTIFICATE DATED 1.10.2004 ISSUED BY THE CENTRE FOR DEVELOPMENT OF IMAGING TECHNOLOGY (C-DIT) FOR PASSING ELECTRONIC OFFICE.
- P6- A TRUE COPY OF THE CERTIFICATE DATED 5.1.2001 ISSUED BY THE KERALA PUBLIC SERVICE COMMISSION FOR PASSING THE DEPARTMENTAL TEST OF ACCOUNT TEST (LOWER).
- P7- A TRUE COPY OF THE CERTIFICATE DATED 30.5.2012 ISSUED BY THE ASSISTANT DEVASWOM COMMISSIONER, KOTTARAKKARA.
- P8- A TRUE COPY OF THE LETTER DATED 30.10.2013 ISSUED BY THE 2ND RESPONDENT.
- P9- A TRUE COPY OF THE NOTIFICATION ROC NO.7921/2009/EST.II DATED 30.3.2010.
- P10- A TRUE COPY OF THE CIRCULAR DATED 13.2.2012.
- P11- A TRUE COPY OF THE PROCEEDINGS DATED 30.4.2012 ISSUED BY THE 2ND RESPONDENT.
- P12- A TRUE COPY OF THE CIRCULAR DATED 23.1.2013 ISSUED FROM THE OFFICE OF THE 2ND RESPONDENT.
- P13- A TRUE COPY OF THE APPLICATION DATED 25.3.2013 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.
- P14- A TRUE COPY OF THE LETTER DATED 30.3.2013 FORWARDED BY THE 2ND RESPONDENT'S OFFICE TO THE 3RD RESPONDENT.

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- P15- A TRUE COPY OF THE LETTER DATED 17.4.2013 ALONG WITH THE FILLED UP
FORMAT FORWARDED BY THE 3RD RESPONDENT TO THE 2ND RESPONDENT.
- P16- A TRUE COPY OF THE REPRESENTATION DATED 20.2.2014 FORWARDED BY
THE PETITIONER TO THE 2ND RESPONDENT THROUGH THE 3RD
RESPONDENT.
- P17- A TRUE COPY OF THE LETTER DATED 21.2.2014 FORWARDED BY THE 3RD
RESPONDENT TO THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.S.TO.JUDGE

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A.V.RAMAKRISHNA PILLAI, J

WPC No.9194 of 2014

Dated this the 20th day of March, 2015

JUDGMENT

Aggrieved by the denial of promotion of the petitioner by the respondent Board, he has come up before this Court.

2. The petitioner is a low paid employee in the respondent Devaswom Board. He alleges that he possessed the qualification for promotion to the post of LD Typist. By Ext.P9 notification, the quota for reservation of low paid employees to the cadre of LD Typist was enhanced to 35%. Following the notification, according to the petitioner, it is necessary for the Board to draw a list of qualified low paid employees eligible to be promoted as LD Typist every year. He further points out that by Ext.P11 order, the respondent Board promoted qualified low paid employees to the cadre of LD Typist.

3. The grievance of the petitioner is that though he has acquired all the necessary qualifications for promotion to the post of LD Typist by early 2013 and though by Ext.P12, the Board initiated proceedings for drawing the list of qualified low

paid employees for promotion as LD Typists for the year 2013 and the petitioner's name was also forwarded in the particular format by the third respondent for inclusion in the 2013 list, so far, the list has not been finalised. It is with this background, the petitioner has come up before this Court.

4. When the matter came up for hearing, the learned counsel for the respondent Board submitted that the retirement of the employees in the respondent Board was enhanced to 56 years and therefore, there is no vacancy and the petitioner can be considered for promotion to the next arising vacancy.

As it is submitted by the respondents that the non-appointment of the petitioner was only for want of vacancy, this writ petition is disposed of directing the respondents to consider the case of the petitioner as and when the vacancy arises.

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

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true copy

P.S.TO JUDGE