

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 26TH DAY OF MARCH 2015/5TH CHAITHRA, 1937

WP(C).No. 13170 of 2008 (P)

PETITIONER(S) :

**SURESHKUMAR.V,
TRADE INSTRUCTOR GR.II, CIVIL ENGINEERING DEPARTMENT,
N.S.S COLLEGE OF ENGINEERING, PALAKKAD.**

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENT(S) :

- 1. STATE OF KERALA, REPRESENTED BY
SECRETARY TO GOVERNMENT, DEPARTMENT OF HIGHER
EDUCATION, SECRETARIAT, THIRUVANANTHAPURAM.**
- 2. THE DIRECTOR OF TECHNICAL EDUCATION,
THIRUVANANTHAPURAM.**
- 3. JOINT DIRECTOR OF TECHNICAL EDUCATION,
REGIONAL DIRECTORATE OF TECHNICAL EDUCATION,
KOZHIKODE.**
- 4. THE PRINCIPAL,
N.S.S.COLLEGE OF ENGINEERING, PALAKKAD.**

R1 & R3 BY GOVERNMENT PLEADER SRI.SOJAN JAMES

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 26-03-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1: TRUE COPY OF THE APPOINTMENT ORDER DATED 08.01.2004.**
- EXHIBIT P2: TRUE COPY OF THE ORDER DATED 14.02.2005.**
- EXHIBIT P3: TRUE COPY OF THE ORDER DATED 10.03.2006.**
- EXHIBIT P4: TRUE COPY OF G.O(P) 303/02 DATED 16.05.2002.**
- EXHIBIT P5: TRUE COPY OF THE LETTER DATED 17.10.2003.**
- EXHIBIT P6: TRUE COPY OF THE LETTER DATED 17.03.2007.**
- EXHIBIT P7: TRUE COPY OF THE LETTER DATED 19.03.1991.**
- EXHIBIT P8: TRUE COPY OF REPRESENTATION DATED 09.12.2003 TOGETHER
WITH COVERING LETTER DATED 29.01.2004.**
- EXHIBIT P9: TRUE COPY OF THE REPRESENTATION DATED 29.01.2004.**
- EXHIBIT P10: TRUE COPY OF THE REPRESENTATION DATED 29.08.2008.**
- EXHIBIT P11: TRUE COPY OF THE JUDGMENT DATED 25.09.2007 IN
W.P.(C).NO.28316 OF 2007.**
- EXHIBIT P12: TRUE COPY OF G.O(RT)NO.123/08 DATED 22.01.2008.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msd.

A. MUHAMED MUSTAQUE, J.

W.P.(C) No.13170 of 2008

Dated this the 26th day of March, 2015

JUDGMENT

The petitioner has approached this Court seeking a direction that the petitioner is entitled for approval of appointment as Tradesman (Survey) Grade-II with effect from 02.07.2003 instead of 01.12.2003. The petitioner's case is that the approval of appointment with effect from 01.12.2003 is unsustainable as the Government have given similar benefits to Sri. Vidhu Gopal and Sri. Sreejithkumar. Therefore, there is no reason to deny the similar benefit to the petitioner.

2. The learned Government Pleader submits that the Government have already taken steps to cancel such appointments given to those persons with effect from 02.07.2003 and therefore, the petitioner is not entitled for the benefit.

3. I am of the view that if cancellation is not given effect to those persons, necessarily, the petitioner shall also be given such a benefit. Therefore, a decision shall be taken by the 2nd

Respondent, after adverting to whether cancellation has been given effect to or not, within three months from the date of receipt of a copy of this judgment, after affording an opportunity of hearing to the petitioner. The petitioner shall produce a copy of the writ petition along with the copy of the judgment before the 2nd Respondent, for compliance.

The writ petition is disposed of as above.

Sd/-
A. MUHAMED MUSTAQUE,
JUDGE.

//true copy//

P.S. to Judge

st/-