

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 19TH DAY OF OCTOBER 2015/27TH ASWINA, 1937

WP(C).No. 24350 of 2004 (Y)

PETITIONER:

**T.P. VARGHESE, GENERAL FOREMAN,
CALICUT UNIVERSITY PRESS, CALICUT UNIVERSITY P.O.
PIN-673 635.**

**BY ADVS.SRI.C.P.SUDHAKARA PRASAD (SR.)
SRI.ELVIN PETER P.J.
SRI.S.RAMESH
SRI.P.N.SANTHOSH
SRI.NAVEEN.T**

RESPONDENTS:

- 1. THE REGISTRAR, UNIVERSITY OF CALICUT,
CALICUT UNIVERSITY P.O., PIN-673 635.**
- 2. THE SELECTION BOARD FOR APPOINTMENT TO
THE POST OF SUPERINTENDENT, CALICUT UNIVERSITY PRESS
REPRESENTED BY ITS CHAIRMAN, VICE CHANCELLOR
UNIVERSITY OF CALICUT, CALICUT UNIVERSITY P.O.
PIN-673 635.**
- 3. THE VICE CHANCELLOR, UNIVERSITY OF CALICUT,
CALICUT UNIVERSITY P.O., PIN-673 635.**

**R1 TO 3 BY ADV. SRI.S.GOPAKUMARAN NAIR, SC, CALICUT UT
R1 & R3 BY ADV. SRI.E.S.ASHRAF, SC, CALICUT UNIVERSITY
R1 & 2 BY ADV. SRI.P.C.SASIDHARAN, SC, CALICUT UT.
R1-3 BY ADV. SRI.SANTHOSH MATHEW,SC,CALICUTY UNIV**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

- P1 : TRUE COPY OF NOTIFICATION DATED 12.7.1996 ISSUED BY THE 1ST RESPONDENT
- P2 : TRUE COPY OF LIST OF IMPORTANT DOCUMENTS/FILES KEPT WITH REGISTRAR'S OFFICE
- P3 : TRUE COPY OF LIST OF ITEMS HANDED OVER TO DR.M.BAVAKUTTY, REGISTRAR BY SRI.T.K. UMMER, REGISTRAR WHO WAS RELIEVED
- P4 : TRUE COPY OF JUDGMENT DATED 6TH APRIL, 2004 IN O.P. NO.10492/99 OF THIS HON'BLE COURT
- P5 : TRUE COPY OF ORDER DATED 5TH AUGUST, 2004 IN W.P.(C) NO.22108/2004 & W.P.(C) NO.22820/2004 OF THIS HON'BLE COURT
- P6 : TRUE COPY OF THE NEWS ITEM IN THE MATHRUBHUMI DAILY DATED 8TH AUGUST, 2004

//TRUE COPY//

P.A. TO JUDGE

JJJ

K. VINOD CHANDRAN, J.

W.P.(C) No. 24350 of 2004 (W)

Dated this the 19th day of October, 2015

J U D G M E N T

The petitioner is aggrieved with the re-notification made of a post, which was the subject matter of litigation before this Court.

2. A notification, as early as in 1996, was issued as indicated at Ext.P1, for filling up the post of Superintendent, University Press. The petitioner who was an employee of the University, being qualified as per the notification, applied under the same. The petitioner was called for the interview, but, however, the selection itself was not carried on by the University. The petitioner filed a writ petition before this Court to direct the University to make appointments.

3. The earlier writ petition filed by the petitioner along with two other writ petitions, were disposed of by Ext.P4 judgment, wherein, it was directed that a fresh

selection would be conducted from persons who were called earlier, as per Ext.P1 notification. Since they had applied as per Ext.P1, they were directed to be considered to be eligible, with respect to age, which had to be determined as on the date of the notification. The selection was directed to be conducted by the same Board or by a newly constituted Selection Board. The said Original Petitions were disposed of by Ext.P4 dated 6.4.2004.

4. The University is said to have proceeded with the selection and two other writ petitions, against the procedure initiated, was declined as per Ext.P5. Subsequently, the University is said to have not carried out the selection and had decided to re-notify the post with revised qualification, as is indicated in Ext.P6. The petitioner was here with the above writ petition, wherein, there was a clear interdiction insofar as the re-notification was concerned.

5. At this point, it is submitted by the learned Standing Counsel for the respondent that there has been an amendment to the regulations and direct recruitments are no more available and as of now only promotions could be made to the said post. The petitioner is also said to have been promoted in the year 2012.

6. The learned counsel for the petitioner would contend that, in fact, he is entitled to be considered to the post as on 2004. Essentially, it is to be noticed that the petitioner had merely sought for stay of the re-notification by the above writ petition. In fact, the re-notification was in violation of the directions in Ext.P4 judgment. The petitioner ought to have been diligent enough to initiate contempt proceedings against the re-notification made, when this Court had specifically directed that selection would be made from persons who had been earlier called for interview, as per Ext.P1 notification.

7. The University goes on record with the contention that though the interview was conducted, no marks were awarded by the selection committee since none who appeared were found to be eligible. In any event, the petitioner's promotion cannot be related back to Ext.P1 notification. The regulations of the University also stand amended insofar as no direct recruitments being permissible to the post. On the basis of a notification for direct recruitment, which never fructified, the petitioner cannot seek for being posted on direct recruitment from 2004 nor can he seek retrospective effect of the promotion.

The writ petition would stand dismissed.

Sd/-
K.VINOD CHANDRAN,
JUDGE