

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 12TH DAY OF OCTOBER 2015/20TH ASWINA, 1937

WP(C).No. 11698 of 2015 (J)

PETITIONER(S):

**SREELAL.U.S, AGED 35 YEARS
SON OF SARANGAN, SREEVALSAM, ERAVIMANGALAM P.O.
THRISSUR-680751.**

BY ADV. SRI.K.B.SAJAN

RESPONDENT(S):

**KERALA PUBLIC SERVICE COMMISSION
REPRESENTED BY ITS SECRETARY
KERALA PUBLIC SERVICE COMMISSION, PATTOM
THIRUVANANTHAPURAM-4.**

R. BY ADV. SRI.P.C.SASIDHARAN, SC, KPSC

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 12-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT-P1: THE COMPUTER COPY OF THE GAZETTE NOTIFICATION DATED 31/12/2011, PUBLISHED BY THE RESPONDENT.**
- EXT-P2: THE TRUE COPY OF THE LL.B.DEGREE CERTIFICATE DATED 16/01/2005, ISSUED BY THE VICE CHANCELLOR, UNIVERSITY OF CALICUT.**
- EXT-P3(A): THE TRUE COPY OF THE MARK LIST DATED 28/04/2005 ISSUED BY THE CONTROLLER OF EXAMINATIONS, UNIVERSITY OF CALICUT.**
- EXT-P3(B): THE TRUE COPY OF THE MARK LIST DATED 09/12/2005 ISSUED BY THE CONTROLLER OF EXAMINATIONS, UNIVERSITY OF CALICUT.**
- EXT-P4: THE COMPUTER COPY OF ADMISSION TICKET (PROVISIONAL) ISSUED BY THE RESPONDENT.**
- EXT-P5: THE COMPUTER COPY OF THE NOTIFICATION DATED 04/08/2014 PUBLISHED BY THE RESPONDENT.**
- EXT-P6: THE TRUE COPY OF THE INTIMATION DATED 27/10/2014 ISSUED TO THE PETITIONER BY THE RESPONDENT.**
- EXT-P7: THE TRUE COPY OF THE INTIMATION LETTER DATED 21/03/2015 ISSUED TO THE PETITIONER BY THE RESPONDENT.**

RESPONDENT(S)' EXHIBITS: NIL

// TRUE COPY //

PA TO JUDGE.

SB

K. VINOD CHANDRAN, J.

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W.P.(C) No.11698 of 2015 - J

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Dated this the 12th day of October, 2015

J U D G M E N T

The petitioner is aggrieved with the fact that the petitioner's qualification of L.L.B has not been reckoned, for consideration of selection, to the post of Assistant Personnel Officer, notified as per Ext.P1. The petitioner in the present case challenged Ext.P7 rejection, which rejected the petitioner's candidature on the ground that he does not have L.L.B with specialisation in Labour Law.

2. The learned Counsel for the petitioner argues that as of now, there is no specialisation in L.L.B and the petitioner as is revealed in the mark list has studied Labour Law in the two years, in which the petitioner also sat from examination and obtained 50% marks. The petitioner challenges Ext.P7 on the ground that the same is arbitrary and unreasonable.

3. The learned Standing Counsel appearing for Public Service Commission however would rely on **Suma v. Kerala Public Service Commission [2011 (1) KLT 1]** to contend that it is not for the P.S.C to equalise a qualification with another. The Special Rules for recruitment in the Kerala State Cashew Development Corporation Ltd. specifically indicates that the qualification required among others alternatively, is L.L.B with specialisation in Labour Law.

4. The notification itself was issued in 2011. There is no challenge to the notification nor a challenge to the Special Rules. The petitioner has applied under the notification with a qualification, which is not prescribed under the Special Rules. The contention of the learned Counsel for the P.S.C that there were similar applications, which were rejected and many having the identical qualification would not have applied for reason of the specialisation prescribed, cannot be ignored. It is to be reiterated that the petitioner does not challenge the notification

or the Special Rules.

5. In such circumstance, Ext.P7 cannot be found fault with. But, however, it is pertinent that qualification remains in the Special Rules as an L.L.B with specialisation in Labour Law. No longer such a degree is issued by any of the Universities. In such circumstance, it is only proper that the Kerala State Cashew Development Corporation Ltd. looks into the Special Rules and seek amendment if it is so required. A copy of the judgment shall be forwarded by the Registry to the Managing Director of Kerala State Cashew Development Corporation Ltd.

The writ petition would stand dismissed upholding Ext.P7.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

SB/12 /10 /2015

// true copy //

P.A to Judge.