

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 30TH DAY OF OCTOBER 2015/8TH KARTHIKA, 1937

WP(C) .No. 12013 of 2015 (B)

PETITIONER(S) :

MUHAMMED ZIYAD P.A. AGED 24 YEARS
S/O ABDUL KHADER, ADVOCATE
RESIDING AT THORKULAM HOUSE, CHENGALA VIA, BEDADUKKA
KASARGODE DISTRICT.

BY ADV. SRI.S.AJITH (PALAKKAD)

RESPONDENT(S) :

1. DIRECTORATE OF SOCIAL JUSTICE
VIKAS BHAVAN, THIRUVANANTHAPURAM-695033.
2. DIRECTOR
DIRECTORATE OF SOCIAL JUSTICE, VIKAS BHAVAN
THIRUVANANTHAPURAM-695033.
3. STATE OF KERALA
REPRESENTED BY ADDITIONAL CHIEF SECRETARY
DEPARTMENT OF SOCIAL JUSTICE, GOVERNMENT OF KERALA
SECRETARIAT, THIRUVANANTHAPURAM-695001.

BY ADV. GOVERNMENT PLEADER SMT. A LOWSY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
30-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXHIBIT P1: TRUE COPY OF THE NOTIFICATION DATED 8.4.2014 ISSUED BY THE 1ST RESPONDENT.

EXHIBIT P2: TRUE COPY OF THE PROVISIONAL CERTIFICATE OF ENROLMENT ISSUED BY THE BAR COUNCIL OF KERALA IN FAVOUR OF THE PETITIONER, DATED 30.3.2014.

EXHIBIT P3: TRUE COPY OF THE PROVISIONAL CERTIFICATE DATED 17.2.2014 ISSUED BY THE UNIVERSITY OF CALICUT IN FAVOUR OF THE PETITIONER.

EXHIBIT P4: TRUE COPY OF THE SECONDARY SCHOOL LEAVE CERTIFICATE DATED 3.8.2006 ISSUED BY THE SECRETARY OF HTE BOARD OF PUBLIC EXAMINATIONS IN FAVOUR OF THE PETITIONER.

EXHIBIT P5: TRUE COPY OF THE RELEVANT EXTRACT OF THE RESULTS PUBLISHED BY THE 1ST RESPONDENT.

EXHIBIT P6: TRUE COPY OF THE RANK LIST DATED 30.10.2014 PUBLISHED BY THE 1ST RESPONDENT.

EXHIBIT P7: TRUE COPY OF THE REPLY DATED 10.11.2014 FURNISHED UNDER THE RIGHT TO INFORMATION ACT BY THE PUBLIC INFORMATION OFFICER OF THE 1ST RESPONDENT.

EXHIBIT P8: TRUE COPY OF THE REPLY DATED 16.12.2014 FURNISHED TO THE PETITIONER.

EXHIBIT P9: TRUE COPY OF THE REPRESENTATION DATED 8.11.2014 ADDRESSED BY THE PETITIONER TO THE 2ND RESPONDENT.

EXHIBIT P10: TRUE COPY OF THE REPRESENTATION DATED 11.11.2014 ADDRESSED BY THE PETITIONER TO THE 3RD RESPONDENT.

EXHIBIT P11: TRUE COPY OF THE REMINDER DATED 1.3.2015 SUBMITTED TO THE 2ND RESPONDENT.

EXHIBIT P12: TRUE COPY OF THE REMINDER DATED 1.3.2015 SUBMITTED TO THE 3RD RESPONDENT.

RESPONDENTS' EXHIBITS: NIL.

TRUE COPY

P.A. TO JUDGE.

K. VINOD CHANDRAN, J.

W.P(C). No.12013 of 2015-B

Dated this the 30th day of October, 2015.

JUDGMENT

The petitioner, is aggrieved in so far as he being not selected for reason only of the Interview Board finding the petitioner to be un-suitable for the post. The petitioner's contention is that, Ext.P1 notification for the post did not contain such a stipulation, nor did it have a minimum marks prescribed for the selection. The notification only indicated that the candidates would have to be selected through a written examination and interview. The petitioner obtained 27.7 marks in the written test. However, the selection was declined for reason of the Interview Board having found the petitioner to be unsuitable.

2. Going by the notification, the petitioner's contention has to be *prima facie* accepted. But however, an examination of the

issue would be superfluous, in so far as the contract appointment was for an year and the said period is already over. Definitely, the petitioner would not have a disability in applying under a new notification, merely for the reason that he was found unsuitable by the Committee, who interviewed him.

The writ petition hence would stand closed with the above observations.

Sd/-

**K. VINOD CHANDRAN,
JUDGE.**

//True Copy//

P.A. to Judge.

Sp/03/11/15