

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

WP(C).No. 24918 of 2005 (N)

PETITIONER(S):

**ROSHINI.S.D., AGED 36 YEARS,
W/O.ANILKUMAR.E.V., SANTHA VILASAM
PATTANAKKAD.P.O., CHERTHALA, ALAPPUZHA DISTRICT
DO**

**BY ADVS.SRI.P.JACOB VARGHESE (SR.)
SMT.V.A.GANGUJA
SRI.V.MANOJ KUMAR
SRI.VIVEK VARGHESE P.J.**

RESPONDENT(S):

- 1. KERALA STATE WAREHOUSING CORPORATION,
REP. BY THE MANAGING DIRECTOR, P.B.NO.1727
WAREHOUSING CORPORATION ROAD, KOCHI-682 016.**
- 2. KERALA STATE PRODUCTIVITY COUNCIL,
REP. BY ITS DIRECTOR, PRODUCTIVITY HOUSE, P.B.NO.8
HMT ROAD, KALAMASSERY-683 104.**
- 3. MR.MOHANDAS,
MANAGING DIRECTOR
KERALA STATE WAREHOUSING CORPORATION, P.B.NO.1727
WAREHOUSING CORPORATION ROAD, KOCHI-682 016.**

ADDITIONAL RESPONDENTS*:

- 4. PREETHA G.S (SL.NO.2)
POURNAMI, VALATHUNGAL P,O,
KOLLAM - 691 018.**
- 5. HARIKRISHNAN.N, (SL.NO.4)
TC/56/1557, S.N. HINDI COLLEGE
VALIYA MELATHIL MELE PUTHEN VEEDU
NEDUMCAUD ROAD, TRIVANDRUM 695 002
KARAMANA P.O**

CONTD .. 2 ..

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6. REENA V.H (SL.NO.1)
VELASSERIL HOUSE, MOOTHAKUNNAM P.O
ERNAKULAM - 683 516.
7. PRAVEEN KUMAR S, (SL.NO.8)
VILAYIL HOUSE, MANIYAR P.O
PUNALUR – 691 325.
8. S. REKHA (SL.NO.10)
KARTHIKA BHAVAN, POWER HOUSE ROAD
ALLEPPEY – 680 007.
9. SAJI GEORGE, (SL.NO.12)
SAJI BHAVAN, EDAKKIDOM P,O
NEAR ST.GEORGE, TTI
EZHUKONE (VIA) KOLLAM 691 505
10. BOBBY GEORGE (SL.NO. 14)
MANIANGATTU HOUSE, MANALUMKAL P,O
KOTTAYAM 686503.
11. VINOD T. VARGHESE (SL.NO. 16)
THERAKATHU HOUSE
VELLOOR P.O, KOTTAYAM 686501.
12. SHANIYA S (SL.NO.6)
SHIJU NIVAS, ANDHAKARANAZHY P.O
CHERTHALA.
13. MANJULA UNNIKRISHNAN (SL.NO. 21)
MANJUSHA, ELAVOOR P.O
ANGAMALY, ERNAKULAM 683572.
14. RENJU V. NATH, (SL.NO. 22)
GOPALA VILAS, ALAPRA P,O
KARIKKATTOOR, KOTTAYAM 686544
15. ARUN K. (SL.NO.24)
BINU BHAVAN, KARAVLOOR
KOLLAM 691318
16. DIVYALAL O, (SL.NO.17)
THEKKEDATHUCHIRA
CMC-16, CHERTHALA 688524
17. K.N GIRISH, (SL.NO.19)
GIRINIVAS, VAYALAR P.O
CHERTHALA 688536

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18. BEENA K.S ,(SL.NO. 33)
TC9/1530, SREEBHAVAN
NEAR SRK HOSPITAL
SASTHAANGALAM, TRIVANDRUM 10
19. P.UMA MAHESWARI (SL.NO.23)
AMBADY, PARAYAKAD P,O
THAZUPPU, CHERTHALA, ALAPPUZHA
20. SEEMA C.C, (SL.NO.26)
SANKAR BHAVAN, VLANJAMBALAM
COCHIN – 16
21. SUJITH S.S, (SL.NO.27)
BIMAL TOWERS, NEAR SARAVANA JEWELLERY
ATTINGAL 695101
22. PRIYA C.V, (SL.NO.28)
CHEPPALLIMURIYIL HOUSE
UDUMBANCHOLA, IDUKKI 685554
23. C.K. OMPRASAD, (SL.NO.3)
TC64/271, KALMANAM
PAPPANAMCODE P.O
TRIVANDRUM 695018.
24. DILEEP KUMAR S. (SL.NO.31)
INDEEVARAM, PEROOR, TKMC P.O
KOLLAM 691005
25. ASHRAF ALI.S, (SL.NO.5)
DAR-UL-FALAH
TC30/1506, PETTA P,O
TRIVANDRUM.
26. SINDHU UNNI P, (SL.NO.11)
DREAMS, PALAPPARAMBIL
EZHUTHASSAN SAMAJAM ROAD
TRISSUR – 10.
27. SAJEEB A.B, (SL.NO.15)
SOJA NIVAS, MARUTHUMMODU
MUKKUDI P,O, VENJARAMOODU
TRIVANDRUM 695 607
28. MOHAMMED ISMAIL N.C, (SL.NO.25)
17/95, BISMILLAH MANZIL,
NANDANKIZHAYA, ANMARI P,O, PALAKKAD -678506.

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29. BINDU DIPU RAJAN, (SL.NO.9)
VAISAKH, CLAPARAMBU
VAIKOM, KOTAYAM 686141
30. PETER P.P,(SL.NO.7)
SGT, B8352, X2, MEHRA
AF-SALUR, KANKAYAMPALAYAM
COIMBATORE 641401
31. ANISH ALFRED (SL.NO.20)
KALEELUVELA HOUSE,
PADAPPAKARA P.O
KOLLAM.
32. SAJAN K.V , (SL.NO.30)
KRISHNALAYAM, MULLOOR P,O
VIZHINJAM, TRIVANDRUM 695 521
33. HAREESH T, (SL.NO.32)
ROHINI, FAROOK COLLEGE P.O
CALICUT P.O, 673632
34. LEKHA B.S, (SL.NO.18)
KAIRALI, VRA – 52, VIVEKANANDA
KODUNGANNOOR P,O,VATTIYOORKAVU
TRIVANDRUM 695013.
35. DHANYA VIJAY, (SL.NO.34)
THARAYIL HOUSE, KUMBALANGI
KOCHI – 682007.
36. VINOD V, (SL.NO.13)
PATTAYIL, PUTHEPEEDIKA,
OMALLUR P,O
PATHANAMTHITTA – 689647
37. SREEDEVI S, NAIR, (SL.NO.29)
SREENILAYAM, KARUKUTTY P,O
ERNAKULAM 683576
38. K.D SADANANDAN, KOCHUKARIYIL HOUSE,
THAICKAL P,O
CHERTHALA 688554.

(*ADDITIONAL RESONDENTS R4 TO R38 IMPLEADED AS PER ORDER
DATED 23.1.06 IN I.A NO. 545/06)

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R,R6,19,20,28&30 BY ADV. SRI.K.RAMAKUMAR (SR.)
R,R15,31 TO 33 BY ADV. SRI.KRB.KAIMAL (SR.)
R,R29 BY ADV. SRI.BABU VARGHESE (SR.)
R,23TO27,34& 37 BY ADV. SRI.ELVIN PETER P.J.
R,R1 BY ADV. SRI.MAJNU KOMATH, SC, K.S.W.C.
R,R2 BY ADV. SRI.G.SREEKUMAR (CHELUR)
R,R2 BY ADV. SMT.PREETHY KARUNAKARAN
R,R10 & 17 BY ADV. SRI.K.JAJU BABU
R,R10 & 17 BY ADV. SMT.M.U.VIJAYALAKSHMI
R,R1 BY ADV. SRI.E.K.NANDAKUMAR
R,R1 BY ADV. SRI.K.JOHN MATHAI
R,R1 BY ADV. SRI.P.BENNY THOMAS
R,R1 BY ADV. SRI.P.GOPINATH
R BY SRI.N.D.PREMACHANDRAN, SC, KSWC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 08-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONERS EXHIBITS:

- EXT.P1 COPY OF NOTIFICATION PUBLISHED IN MATHRUBHOOMI
THOZHILVARTHA DTD. 25.12.04.
- EXT.P2 COPY OF LETTER CALL FOR WRITTEN TEST DTD.02.03.2005.
- EXT.P3 COPY OF LETTER CALLING FOR INTERVIEW DTD.11.07.2005.
- EXT.P4 COPY OF LETTER DTD.27.2.07 BY NO.KSWC/EC/C/2006-2007.

RESPONDENTS EXHIBITS:

- EXT.R1(A) COPY OF THE NOTIFICATION.
- EXT.R1(B) COPY OF THE LIST OF CANDIDATES SELECTED FOR THE POST
OF ASSISTANT MANAGERS.
- EXT.R1(C) COPY OF THE LIST SHOWING THE NAMES OF 34 CANDIDATES
JOINED AS ASSISTANT MANAGERS PURSUANT TO THE
SELECTION.
- EXT.R29(A) COPY OF LETTER DATED 11.7.05, CALLING FOR INTERVIEW
- EXT.R29(B) COPY OF SELECTION LETTER DATED 8.8.05.
- EXT.P29(C) COPY OF PROCEEDINGS DATED 18.8.05.
- EXT.P29(D) COPY OF POSTING ORDER DATED 27.8.05.
- EXT.P29(E) COPY OF ORDER DATED 1.3.06 DECLARING THE PROBATION
COMPLETED.
- EXT.P29(F) COPY OF CERTIFICATE ISSUED BY GRADING CENTRE,
VANDANMEDU DATED 20.01.06.
- EXT.P29(G) COPY OF CERTIFICATE ISSUED BY RICE RESEARCH INSTITUTE,
ANDHRA PRADESH, DATED 24.2.06.
- EXT.P29(H) COPY OF SELECT LIST THAT APPEARED IN MATHRUBHOOMI
THOZHIL VARTHA DATED 14.01.2006.
- EXT.P29(I) COPY OF SELECT LIST THAT APPEARED IN MATHRUBHOOMI
THOZHIL VARTHA DATED 21.01.06.
- EXT.P29(J) COPY OF ADVICE MEMO RECEIVED FROM P.S.C IN RESPECT
OF APPOINTMENT AS AUDITOR IN LOCAL FUND AUDIT
DEPARTMENT DATED 27.3.06.

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- EXT.P29(K) COPY OF MEMO DATED 16.6.06 OF THE DIRECTORATE OF LOCAL FUND AUDIT.
- EXT.P29(L) COPY OF THE TABULATED FORM OF ACADEMIC RECORD OF THE PETITIONER.
- EXT.P29(M) COPY OF THE RELEVANT PAGE OF THE S.S.L.C BOOK OF THE PETITIONER.
- EXT.P29(N) COPY OF THE RANK CERTIFICATE ISSUED TO THE PETITIONER IN RESPECT OF FINAL B.SC. EXAM 1991.
- EXT.P29(O) COPY OF THE M.SC DEGREE CERTIFICATE ISSUED TO THE PETITIONER DATED 7.09.94.
- EXT.P29(P) COPY OF THE B.ED DEGREE CERTIFICATE ISSUED TO THE PETITIONER DATED 5.4.03.
- EXT.P29(Q) COPY OF THE STATE ELIGIBILITY TEST CERTIFICATE ISSUED TO THE PETITIONER DATED 17.3.04.
- EXT.R2(A) COPY OF THE LIST OF ORGANIZATIONS THAT HAD ENTRUSTED SELECTION OF EMPLOYEES WITH THE 2ND RESPONDENT.
- EXT.R2(B) COPY OF THE ANSWER SHEET ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER AND OTHER CANDIDATES.
- EXT.R2(C) COPY OF THE INSTRUCTIONS ISSUED BY THE 2ND RESPONDENT TO THE CANDIDATES.
- EXT.R2(D) COPY OF THE JUDGMENT DATED 18.5.05 IN W.P(C) NO.10843 OF 2005.
- EXT.R20(A) COPY OF THE NOTICE DATED 11.7.05 RECEIVED BY 20TH RESPONDENT.
- EXT.R20(B) COPY OF THE ORDER OF APPOINTMENT DATED 8.8.05 ISSUED TO 20TH RESPONDENT.
- EXT.R20(C) COPY OF THE ORDER DATED 1.3.06 RECEIVED BY THE PETITIONER.

// TRUE COPY //

PA TO JUDGE.

SB

K. VINOD CHANDRAN, J.

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W.P.(C) No.24918 of 2005 - N

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Dated this the 8th day of September, 2015

J U D G M E N T

The petitioner challenges the selection to the post of Assistant Manager in the 1st respondent Corporation. The very same selection was challenged on the very same grounds in another writ petition numbered as W.P.(C) No.10843 of 2005, which was dismissed by Ext.R2(d) dated 18.05.2005. The ground raised in the above writ petition was also that the provision of showing the name of the candidates in the examination answer paper would create a chance for malpractices, since the identity of each candidate would be disclosed.

2. This Court in Ext.R2(d) specifically noticed that the written test was not conducted by the respondent Organisation but however by an independent agency viz., the Kerala State Productivity Council, the 2nd respondent herein. It is also noticed

that the allegation of malpractice was unsustainable, since the name of the candidates and roll numbers were removed from the answer script before the handing over for valuation. It was clearly found that there was no case for interference under Article 226 of the Constitution of India.

In such circumstance, nothing survives in the writ petition and the writ petition is dismissed following the judgment in Ext.R2(d).

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

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P.A to Judge.