

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 5TH DAY OF OCTOBER 2015/13TH ASWINA, 1937

WP(C).No. 14835 of 2015 (D)

PETITIONER(S):

**BALANAND.A.V.,
ARACKAPARAMBIL HOUSE, PANAMBUKAD, VALLARPADOM P.O.,
ERNAKULAM 682 504.**

**BY ADVS.SRI.K.I.MAYANKUTTY MATHER
SRI.VINEETH KOMALACHANDRAN**

RESPONDENT(S):

- 1. KERALA BOOKS AND PUBLICATIONS SOCIETY
REPRESENTED BY ITS MANAGING DIRECTOR, KAKKANAD P.O,
KOCHI 682 030.**
- 2. THE EMPLOYMENT OFFICER,
DISTRICT EMPLOYMENT EXCHANGE, CIVIL STATION,
KAKKANAD 682 030.**
- 3. THE SECRETARY,
PRINTING AND STATIONERY
KERALA BOOKS AND PUBLICATIONS SOCIETY, ROOM NO.504,
VTH FLOOR, SECRETARIAT ANNEXE,
THIRUVANANTHAPURAM 695 001.**
- 4. ANAS MOOSAD, HELPER,
KERALA BOOKS AND PUBLICATIONS SOCIETY KAKKANAD P.O,
KOCHI 682 030.**
- 5. SUNEESH A.H, HELPER,
KERALA BOOKS AND PUBLICATIONS SOCIETY KAKKANAD P.O,
KOCHI 682 030.**

**R1 BY ADV. SMT.LATHA KRISHNAN
R1 BY ADV. SRI.K.ANAND (SR.)
R4&5 BY ADV. SRI.SHYAM KRISHNAN
R4&5 BY ADV. SRI.N.B.SUNILNATH
R4&5 BY ADV. SRI.S.K.HARISH
R2 BY ADV. GOVERNMENT PLEADER SMT.A.LOWSY**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

AD

WP(C).No. 14835 of 2015 (D)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1 : TRUE COPY OF THE SECONDARY SCHOOL LEAVING CERTIFICATE DATED NIL.

EXHIBIT P1(A). TRUE COPY OF THE TRAINING CERTIFICATE ISSUED BY KERALA BOOKS AND PUBLICATION SOCIETY DATED 14.5.09.

EXHIBIT P1(B). TRUE COPY OF THE EXPERIENCE CERTIFICATE ISSUED BY THE 1ST RESPONDENT DATED 5.7.11.

EXHIBIT P1(C). TRUE COPY OF NATIONAL APPRENTICESHIP CERTIFICATE ISSUED BY THE SECRETARY, STATE COUNCIL FOR VOCATIONAL TRAINING DATED NIL.

EXHIBIT P2 : TRUE COPY OF THE IDENTITY CARD EVIDENCING THE REGISTRATION OF THE PETITIONERS NAME WITH THE EMPLOYMENT EXCHANGE WITH REGISTRATION NO.3421/05 DATED 30.12.05.

EXHIBIT P3 : TRUE COPY OF THE GOVERNMENT ORDER PUBLISHED IN THE KERALA GAZETTE NO.28 DATED 12.7.1983.

EXHIBIT P4 : TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT IN WPC 20906/2010 DATED 14.7.2010.

EXHIBIT P5 : TRUE COPY OF THE MEMO ISSUED BY THE 1ST RESPONDENT DATED 25.5.13.

EXHIBIT P6 : TRUE COPY OF THE MEMO ISSUED BY THE 1ST RESPONDENT DATED 12.2.14.

EXHIBIT P7 : TRUE COPY OF THE MEMO ISSUED BY THE 1ST RESPONDENT DATED 30.6.14.

EXHIBIT P8 : TRUE COPY OF THE JUDGMENT IN WPC 29136/2014 DATED 20.03.15.

EXHIBIT P9 : TRUE COPY OF THE RANK LIST OF CANDIDATES TO THE POST OF HELPER PUBLISHED IN THE WEBSITE DATED NIL.

EXHIBIT P10 : TRUE COPY OF THE GO(P) NO.545/78/GAD ISSUED BY THE SPECIAL SECRETARY TO THE GOVERNMENT, GENERAL ADMINISTRATION (SERVICES D) DEPARTMENT, GOVERNMENT OF KERALA DATED 13.12.1978.

EXHIBIT P11 : TRUE COPY OF THE GOVERNMENT ORDER MS.NO.353/83/GAD

RESPONDENT(S)' EXHIBITS

EXHIBIT R1(A): TRUE COPY OF LETTER DATED 21.08.2012 ISSUED BY THE 1ST RESPONDENT TO DIST.EMPLOYMENT EXCHANGE

EXHIBIT R1(B): TRUE COPY OF COVERING LETTER DATED 17.1.2013

**EXHIBIT R1(C): TRUE COPY OF GOVERNMENT ORDER NO.G.O(P) 413/70/PD DATED
21.12.1970 DELAY CONDONATION PETITION.**

EXHIBIT R2(A): A TRUE COPY OF RESERVATION CHART.

//TRUE COPY//

PA. TO JUDGE

AD

K.VINOD CHANDRAN, J.

W.P.(C).No.14835 of 2015

Dated this the 5th day of October, 2015

JUDGMENT

The petitioner is concerned with the reservation of Dheevera community which according to the petitioner, entitled him to one post in the present selection conducted and rank list published, as is evidenced at Ext.P9. The petitioner relies on Exts.P10 and P11 to contend that 2% reservation is granted to members of Dheevera community. The 1st respondent Society has produced an earlier Government Order to contend that no reservation is granted to 'Dheevera'.

2. Even going by the affidavit of the 2nd respondent there is a 2% reservation granted to 'Dheevera' and the same has to be accepted going by Exts.P10 and P11 Government Order. It is the Employment Exchange who sponsors the candidates on the basis of the reservation as per the 100 point roster for reservation. The counter affidavit filed by the 1st

respondent Employment Officer, clearly puts the issue in the proper perspective the reservation followed of 2% and the roster points granted to 'Dheevara' community, on a 100 point reservation chart. The reservation chart maintained with the 1st respondent a part of the official records, is also produced at Ext.R2(a). As per the 100 point roster, the vacancies at 18 and 88 are reserved for 'Dheevara' community. Earlier a member of that community was appointed to the 18th vacancy. The next turn for the 'Dheevara' community would arise at turn 88. The present appointment commences from 51 in the 100 point roster and is for 23 vacancies. In such circumstance the turn for 'Dheevara' is yet to come.

3. The learned Counsel for the petitioner however relies on the reply affidavit filed, in which the petitioner has given the purported details of the reservation followed in the respondent-Society, however without any substantive evidence. The mere fact that the petitioner on enquiry had been informed of certain appointments having been made would not upset the

contention raised by the 2nd respondent on the basis of the official records. Ext.R2(a) an extract of the official record, produced by the 2nd respondent itself shows that the next arising vacancy at the 88th position would be reserved to 'Dheevara' community.

The writ petition is devoid of merit and would stand dismissed.

Sd/-
K.VINOD CHANDRAN
JUDGE

AD