

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

WP(C).No. 19138 of 2012 (N)

PETITIONER(S):

**ARUN V,
POTTAMMAL HOUSE, THENHIPALAM P.O
MALAPPURAM DISTRICT 673636.**

**BY ADVS.DR.K.P.SATHEESAN
SRI.M.R.JAYAPRASAD
SRI.P.MOHANDAS (ERNAKULAM)
SRI.ANOOP.V.NAIR**

RESPONDENT(S):

**1. UNIVERSITY OF CALICUT,
REPRESENTED BY ITS REGISTRAR, CALICUT UNIVERSITY P.O
MALAPPURAM 673635.**

**2. THE REGISTRAR,
UNIVERSITY OF CALICUT, CALICUT UNIVERSITY P.O
MALAPPURAM 673635.**

*** ADDL.R3 & R4 IMPEADED**

**3. PRADEEP. C., KUZHIYAMPARAMBU HOUSE, KUZHIMANNA P.O.,
MALAPPURAM-673641.
IS IMPEADED AS ADDL.R3 AS PER ORDER DATED 7/9/12 IN IA.11842/12**

**4. SUBAIR K.T., THAYYIL HOUSE, THENHIPALAM P.O.,
MALAPPURAM-673636.
IS IMPEADED AS ADDL.R4 AS PER ORDER DATED 19/9/12 IN IA.12494/12.**

**R1 & 2 BY ADV. SRI.SANTHOSH MATHEW,SC
R3 BY ADV. DR.GEORGE ABRAHAM
R4 BY ADVS. SRI.ELVIN PETER P.J.
SRI.T.G.SUNIL (PRANAVAM)
SRI.K.R.GANESH**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S) EXHIBITS

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| EXT. P1 | TRUE COPY OF THE RANKED LIST PUBLISHED BY THE 2ND RESPONDENT DATED 27-06-2012 |
| EXT. P2 | TRUE COPY OF THE NOTIFICATION ISSUED BY THE 2ND RESPONDENT DATED 23-11-2010 |
| EXT. P3 | TRUE COPY OF THE OFFICE ORDER ISSUED BY THE 2ND RESPONDENT DATED 02-07-2012 |
| EXT. P4 | TRUE COPY OF THE ORDER ISSUED BY THE 2ND RESPONDENT DATED 21-07-2012 |
| EXT. P5 | TRUE COPY OF THE REPLY GIVEN TO THE PETITIONER BY THE PUBLIC INFORMATION OFFICER OF THE CALICUT UNIVERSITY UNDER RIGHT TO INFORMATION ACT DATED 04-08-2012 |
| EXT. P6 | THE RANKED LIST PUBLISHED BY THE 2ND RESPONDENT DATED 03-06-2002 |
| EXT. P7 | TRUE COPY OF THE ORDER ISSUED BY THE 2ND RESPONDENT DATED 18-06-2002 |
| EXT. P8 | TRUE COPY OF THE RANKED LIST PUBLISHED BY THE 2ND RESPONDENT DATED 26-11-2008 |
| EXT. P9 | TRUE COPY OF THE ORDER ISSUED BY THE 2ND RESPONDENT DATED 05-01-2009 |
| EXT. P10 | TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER TO THE 2ND RESPONDET DATED 01-08-2012 |
| EXT.P11 | TRUE COPY OF THE ORDER NO.AD.E1/657/2005 DATED 8/8/12 ISSUED BY THE R2 |
| EXT.P12 | TRUE COPY OF THE ORDER NO.AD.E1/657/2005 DATED 10/9/12 ISSUED BY THE R2 |
| EXT.P13 | TRUE COPY OF THE RELEVANT PAGE OF THE MINUTES OF THE SYNDICATE MEETING HELD ON 23/3/12 |
| EXT.P14 | TRUE COPY OF THE EXTRACT OF THE CONFIRMED MINUTES OF THE MEETING OF THE SYNDICATE HELD ON 23/3/12 |
| EXT.P15 | TRUE COPY OF THE ORDER NO.AD.C(3)77/80 DATED 4/3/80 ISSUED BY THE R2 |

WP(C).No. 19138 of 2012 (N)

RESPONDENTS' EXHIBITS

**EXT.R1(1) TRUE COPY OF THE APPOINTMENT ORDER OF SRI.SUBAIR AS ROOM
BOY-CUM-BEARER**

**EXT.R3(1) TRUE COPY OF RANKED LIST DATED 14/9/2001 FOR THE POST OF
ROOM BOY CUM BEARER.**

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.M.SHAFFIQUE, J.

W.P.(C) No.19138 of 2012

Dated this the 15th day of January, 2015

JUDGMENT

The petitioner has filed this writ petition seeking the following reliefs:

- “(i) to issue a Writ of Mandamus or order or direction to the 2nd respondent to follow the rules of communal rotation in the matter of appointment to the post of Room Boy-cum-Bearer in the University Guest House while making appointments from making Ext.P1 ranked list;
- (ii) to issue a Writ of Mandamus or order or direction to the 2nd respondent to start the communal rotation from the present ranked list in the matter of appointments since the previous appointments were not in accordance with the rules of communal rotation;
- (iii) to issue a Writ of Mandamus or order or direction to the 2nd respondent to consider and pass appropriate orders on Ext.P10 representation as expeditiously as possible and at any rate within a time limit that may be fixed by this Hon'ble Court;
- (iv) to issue such other appropriate writ, order or direction as is deemed just and necessary in the circumstances of the case;
- (v) to issue a Writ of Certiorari or such other appropriate writ, order or direction quashing Ext.P11 order No.Ad.E1/657/2005 dated

18.08.2012 issued by the 2nd respondent as it is arbitrary, illegal and void; and

- (vi) to issue a Writ of Certiorari or such other appropriate writ, order or direction quashing Ext.P12 order No.Ad.E1/657/2005 dated 10.09.2012 issued by the 2nd respondent as it is arbitrary, illegal and void.”

2. The petitioner was rank No.4 in the select list. According to him, he was not appointed in the vacancy since communal rotation was not followed in the correct perspective. The learned counsel for the petitioner, however, submits that two other vacancies are to arise in the near future and therefore, he will be satisfied if the petitioner is also considered at the time of effecting such appointments.

3. Hence, this writ petition is disposed of directing the 1st Respondent to effect appointments after complying with the procedure prescribed in accordance with the rules and following the communal rotation in the next arising vacancies.

Sd/-
A.M.SHAFFIQUE,
JUDGE

St/-