

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 1ST DAY OF JUNE 2015/11TH JYASHTA, 1937

WP(C).No.15428 of 2015 (C)

PETITIONER:

**SINDHU.K,W/O.SIVADASAN.M,AGED 31 YEARS,
ELAYATHUPARAMBIL HOUSE,PULLAZHY P.O.,
OLARIKARA,THRISSUR,PIN-680 012.**

BY ADV.SRI.T.K.BIJU (MANJINIKARA)

RESPONDENT'S:

- 1. KERALA AGRICULTURAL UNIVERSITY,
VELLANIKKARA,THRISSUR,PIN-680 656,
REPRESENTED BY ITS REGISTRAR.**
- 2. PROFESSOR & HEAD OF THE DEPARTMENT,
AGRICULTURAL RESEARCH STATION (ARS),
MANNUTHY,KAU P.O,VELLANIKKARA,
THRISSUR,PIN-680 656.**

BY SRI.BABU JOSEPH KURUVATHAZHA,SC,KAU.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 01-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PK

APPENDIX

PETITIONER'S EXHIBITS:

- P1- TRUE COPY OF THE CERTIFICATE OF EXPERIENCE DATED 16.9.2010
ISSUED BY MR.BIJU K.J.
- P2- TRUE COPY OF THE CERTIFICATE OF EXPERIENCE ISSUED BY
MR.P.B.BABURAJ.
- P3- TRUE COPY OF THE CERTIFICATE DATED 27.3.2015 ISSUED BY THE
PROFESSOR AND HEAD OF LIVESTOCK FARM & FODDER RESEARCH &
DEVELOPMENT SCHEME, MANNUTHY.
- P3(a)- TRUE COPY OF THE PROCEEDING NO.A/121/2014 DATED 20.9.2014
ISSUED BY THE 2ND RESPONDENT.
- P4- TRUE COPY OF THE MEDICAL CERTIFICATE DATED 5.10.2014 ISSUED BY
THE ASWINI HOSPITAL, THRISSUR.
- P4(a)- TRUE COPY OF THE REPRESENTATION DATED 9.10.2014 SUBMITTED BY
THE PETITIONER BEFORE THE 2ND RESPONDENT.
- P5- TRUE COPY OF THE REPRESENTATION DATED 9.10.2014 SUBMITTED BY
THE PETITIONER BEFORE THE 2ND RESPONDENT.

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No. 15428 of 2015

.....
Dated this the 1st day of June, 2015

J U D G M E N T

The petitioner was working as a daily wage labourer under the respondents with effect from 2004. Pursuant to a Notification issued by the respondents calling for applicants for regular appointment under the respondent University, the petitioner also applied for the post of Casual Labourer. As part of the selection process, she was called upon to attend a physical test on 09.10.2014. In the writ petition, it is the specific case of the petitioner that, on the day on which the physical test was scheduled, she was suffering from stomach ache, and therefore, was not in a position to undergo the physical test conducted by the respondents. It is stated that despite her illness she participated, but could not achieve the desired result, and thereby failed to qualify for the selection. It is under these circumstances, that the petitioner has approached this Court through the present writ petition seeking a further opportunity for participating in a physical test that could be scheduled by the respondents on a later date.

2. I have heard the learned counsel for the petitioner and the learned Standing counsel for the respondent University.

3. The learned Standing counsel for the respondent University would submit, on instructions, that there is no provision for conducting a fresh physical test for the petitioner alone. He submits, however, that the petitioner can participate in the next selection process if he so qualified. That apart, it is also submitted that the petitioner had preferred Ext.P5 representation before the 2nd respondent and the only relief that the petitioner has prayed for at this stage is the consideration of the said representation by the 2nd respondent.

On a consideration of the facts and circumstances of the case as also the submissions made across the bar, I am of the view that inasmuch as the petitioner was not successful in the physical test conducted by the respondents, she does not have a right to claim a further opportunity for consideration in the selection process. I note, however, that by Ext.P5 representation, the petitioner has highlighted her grievance before the 2nd respondent. Under such circumstances, I dispose the writ petition with a direction to the 2nd respondent to consider and pass orders on Ext.P5 representation

preferred by the petitioner, within a period of one month from the date of receipt of a copy of the judgment, after hearing the petitioner. Save for the aforementioned direction, the writ petition in its challenge against the selection process is otherwise dismissed.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns