

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 24TH DAY OF JUNE 2015/3RD ASHADHA, 1937

WP(C).No. 17231 of 2015 (D)

PETITIONER:

**GOPI KOZHITHODIKA, AGED 34 YEARS
S/O.CHINNAN, PERULIPPARA HOUSE, KALLARATTIKKAL
URNGATIRI PO, AREACODE, MALAPPURAM DISTRICT 673 639**

**BY ADVS.SRI.P.SAMSUDIN
SRI.T.PRAVEEN KUMAR
SRI.JITHIN LUKOSE**

RESPONDENTS:

- 1. THE KERALA PUBLIC SERVICE COMMISSION
REPRESENTED BY SECRETARY, PATTOM PALACE PO, 695 004
THIRUVANANTHAPURAM.**
- 2. THE MANAGING DIRECTOR, KERALA STATE ROAD TRANSPORT
CORPORATION
FORT PO, 695 014, THIRUVANANTHAPURAM.**

**R1 BY SRI.P.C.SASIDHARAN, SC, KPSC
R2 BY SRI.M.GOPIKRISHNAN NAMBIAR, SC, KSRTC**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
24-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

WP(C).No. 17231 of 2015 (D)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1- A TRUE COPY OF THE COMMUNICATION DATED 26.6.2012 ISSUED FROM THE OFFICE OF THE 1ST RESPONDENT**
- P2- A TRUE COPY OF THE FORMAT OF EXPERIENCE CERTIFICATE**
- P3- A TRUE COPY OF THE EXPERIENCE CERTIFICATE ISSUED BY THE EMPLOYER OF THE PETITIONER AND ATTESTED BY THE ALO**
- P4- A TRUE COPY OF THE COMMUNICATION DATED 12.11.2013 ISSUED FROM THE OFFICE OF THE 1ST RESPONDENT**
- P5- A TRUE COPY OF THE COMMUNICATION DATED 7.5.2015 ISSUED FROM THE OFFICE OF THE 1ST RESPONDENT**

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 17231 OF 2015

Dated this the 24th day of June, 2015

JUDGMENT

The petitioner had worked continuously for six years and 26 days from 01.01.2003 to 26.01.2009 as painter. This is discernible from Ext. P3 Experience Certificate duly authenticated by the Assistant Labour Officer. Ext. P2 proforma of the experience certificate issued along with the notification permits such employees who had worked on monthly/daily wages.

2. Even Clause 21 of the General Conditions which forms part of the notification expressly states as 'unless otherwise specified'. It is otherwise specified in Ext. P2 proforma of the experience certificate issued along with the notification that employees on daily wages are also competent to apply.

3. There is justification in the contention of the petitioner that he was guided by Ext. P2 proforma of the experience certificate and on that basis Ext. P3 experience certificate was secured. There is no rationale on the part of the respondents in not accepting Ext. P3 certificate and refusing to include the name of the petitioner in the rank list for the appointment of the Painter Grade II.

4. The respondents are directed to include the petitioner in the rank list so prepared without affecting the seniority of others who are included therein. This is because the petitioner has not impleaded the persons in the ranked list whose seniority cannot be tinkered with.

The writ petition is disposed of. No costs.

**V. CHITAMBARESH
JUDGE**

DCS