

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 2ND DAY OF NOVEMBER 2015/11TH KARTHIKA, 1937

WP(C).No. 18785 of 2015 (W)

PETITIONER(S):

- 1. PRAKASH KUMAR, AGED 38 YEARS
S/O.M.C.PRABHAKARAN NAIR, NEDUVELIL PADINJATTETHIL
THUMPAMON THAZHOM (P.O.), MEZHUVELI VILLAGE
PATHANAMTHITTA, PIN 689625.**
- 2. MANOJ KUMAR.V, AGED 40 YEARS
S/O.VASUDEVAN NAIR, CHITTETHU HOUSE, THONNALLUR
PANDALAM, PATHANAMTHITTA, PIN 689501.**
- 3. GOPALAN.S, AGED 42 YEARS
S/O.SANKARAN, PLAVILAYIL HOUSE, VADAKKADATHU KAAVU
ADOOR, PATHANAMTHITTA.**
- 4. ARUN.K, AGED 34 YEARS
S/O.V.N.KARUNAKARAN, ARUN NIVAS, MALAMELKARA
ADOOR, PATHANAMTHITTA, PIN 691573.**
- 5. PRASANNAKUMAR P.K., AGED 42 YEARS
S/O.KUNJUPILLA P.G., PALAKKAL VEEDU, VAZHAMUTTAM EAST
MALLASSERY, PATHANAMTHITTA, PIN 689646.**
- 6. SREEJA KRISHNAN, AGED 43 YEARS
W/O.K.K.HARI, GIRISRINGAM, ANANDAPALLI
PATHANAMTHITTA, PIN 691525.**

**BY ADVS.SRI.K.S.BHARATHAN
B.C MENON
SMT.S.ANJUSHA**

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WP(C).No. 18785 of 2015 (W)

RESPONDENT(S):

**1. INSTITUTE OF HUMAN RESOURCES DEVELOPMENT
PRAJO'E TOWERS, VAZHUTHACAUD, THIRUVANANTHAPURAM
PIN 695014, REPRESENTED BY ITS DIRECTOR.**

**2. COLLEGE OF ENGINEERING
ADOOR, MANAKKALA (P.O.), ADOOR
PATHANAMTHITTA DISTRICT, PIN 691551
REPRESENTED BY ITS PRINCIPAL.**

**3. THE PRINCIPAL
COLLEGE OF ENGINEERING, ADOOR, MANAKKALA (P.O.)
ADOOR, PATHANAMTHITTA DISTRICT, PIN 691551.**

**R. BY ADV. SRI.V.A.MUHAMMED
R BY SRI.V.A.MOHAMMED, SC, IHRD**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 02-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1: TRUE COPY OF ORDER ISSUED BY THE 3RD RESPONDENT DATED 16.09.2014.

EXHIBIT-P2: TRUE COPY OF THE NEWSPAPER REPORT PUBLISHED IN MNGALAM DAILY DATED 17.09.2014.

EXHIBIT-P3: TRUE COPY OF CIRCULAR ISSUED BY THE 1ST RESPONDENT DATED 29.04.2014.

EXHIBIT-P4: TRUE COPY OF THE REQUISITION MADE FOR THE POST OF WORKSHOP INSTRUCTOR/DEMONSTRATOR DATED 13.04.2015.

EXHIBIT-P4(A): TRUE COPY OF THE REQUISITION MADE FOR THE POST OF TRADESMAN DATED 13.04.2015.

EXHIBIT-P4(B): TRUE COPY OF THE REQUISITION MADE FOR THE POST OF WORKSHOP INSTRUCTOR IN ELECTRONICS DATED 13.04.2015.

EXHIBIT-P4(C): TRUE COPY OF THE REQUISITION MADE FOR THE POST OF TRADESMAN IN ELECTRONICS DATED 13.04.2015.

EXHIBIT-P5: TRUE COPY OF THE CIRCULAR ISSUED BY THE 1ST RESPONDENT DATED 17.09.2014.

EXHIBIT-P6: TRUE COPY OF THE APPLICATION SUBMITTED BEFORE THE 1ST RESPONDENT DATED 19.12.2014.

EXHIBIT-P7: TRUE COPY OF THE REPLY ISSUED BY THE 1ST RESPONDENT DATED 09.01.2015.

EXHIBIT-P8: TRUE COPY OF THE COMMUNICATION DATED 23.07.2014.

EXHIBIT-P9: TRUE COPY OF THE APPEAL FILED BY THE PETITIONERS BEFORE THE 1ST RESPONDENT DATED 15.06.2015.

EXHIBIT-P10: TRUE COPY OF THE INTERIM ORDER PASSED BY THIS HON'BLE COURT IN W.P.(C) NO.12036/2015 DATED 10.04.2015.

RESPONDENT(S)' EXHIBITS

ANNEXURE R1(A) COPY OF THE FORM OF STATEMENT

// TRUE COPY //

P.A TO JUDGE.

SB

K. VINOD CHANDRAN, J.

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W.P.(C) No.18785 of 2015 - W

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Dated this the 2nd day of November, 2015

J U D G M E N T

The petitioners were engaged as contract support staff in the colleges of the 1st respondent, specifically the 3rd respondent, on yearly basis after issuing notification and conducting a selection from the applicants. The petitioners admittedly had been engaged only on contract for an year. The mere fact that they were continued every year on they being found eligible to be selected under the successive notifications, would not confer any right on them to be continued as such.

2. This time, when the contracts expired, the 1st respondent thought it fit to make a request to the Employment Exchange to send a list of candidates so as to make the contract

engagement from those candidates registered in the Employment Exchange. The 1st respondent being a Society wholly controlled by the State, it was only proper that such a decision was taken under the The Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959.

3. However the learned Standing Counsel appearing for the respondent was directed to find out whether they had sufficient candidates from the Employment Exchange. The learned Standing Counsel on instructions submits that there has been sufficient names forwarded from the Employment Exchange for all the posts, in which, such engagement is contemplated, except two posts of Workshop Instructor in Mechanical Engineering, which the petitioners 1 and 2 are said to be eligible to be appointed; on the basis of the interview conducted provisionally on orders of this Court. In such circumstance, such appointment shall be granted, but however subject to the

Employment Exchange sending candidates in the successive years.

The writ petition hence would stand disposed of with the above observations.

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

SB/2/11/2015

// true copy //

P.A to Judge.