

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 12TH DAY OF FEBRUARY 2015/23RD MAGHA, 1936

WP(C).No. 23357 of 2013 (T)

PETITIONER(S):

- 1. KERALA FOREST RESEARCH INSTITUTE
STAFF ASSOCIATION,
KERALA FOREST RESEARCH INSTITUTE, PEECHI P.O.,
THRISSUR-680653, REPRESENTED BY ITS SECRETARY.**
- 2. T.K.DHAMODARAN, S/O.KESAVAN ELAYATH,
SCIENTIST (GRADE F) & HEAD WOOD
SCIENCE AND TECHNOLOGY DIVISION,
KERALA FOREST RESEARCH INSTITUTE, PEECHI,
RESIDING AT TATHAMANGALATH HOUSE,
THALORE P.O., THRISSUR-680306, KERALA.**

BY ADV. SRI.THAMPAN THOMAS

RESPONDENT(S):

- 1. STATE OF KERALA, REPRESENTED BY
THE PRINCIPAL SECRETARY TO THE GOVERNMENT,
THIRUVANANTHAPURAM-695001.**
- 2. THE PRESIDENT,
KERALA STATE COUNCIL FOR SCIENCE,
TECHNOLOGY AND ENVIRONMENT (KSCSTE), SASTHRA BHAVAN
PATTOM, THIRUVANANTHAPURAM-695004.**
- 3. KERALA STATE COUNCIL FOR SCIENCE
TECHNOLOGY AND ENVIRONMENT (KSCSTE),
SASTHRA BHAVAN, PATTOM,
THIRUVANANTHAPURAM-695004,
REPRESENTED BY ITS EXECUTIVE VICE PRESIDENT.**
- 4. KERALA FOREST RESEARCH INSTITUTE,
PEECHI P.O., THRISSUR-680653, KERALA,
REPRESENTED BY ITS EXECUTIVE VICE PRESIDENT.**

**R1 BY GOVERNMENT PLEADER SMT.LOWSY
R2 - R4 BY SRI.GEORGE ZACHARIAH,SC
BY SRI.S.M.PREM**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 12-02-2015, ALONG WITH WPC. 31788/2014 & WPC. 32049/2014,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXHIBIT-P1: TRUE COPY OF THE ADVERTISEMENT DATED NIL.
- EXHIBIT-P2: TRUE COPY OF THE REPRESENTATION DATED 08.11.2012.
- EXHIBIT-P3: TRUE COPY OF THE RELEVANT PAGES OF THE ADVERTISEMENTS.
- EXHIBIT-P4: TRUE COPY OF THE ADVERTISEMENT VIDE NOTIFICATION NO.3664/C1/12/KSCSTE DATED 09.11.2012.
- EXHIBIT-P5: TRUE COPY OF THE REPRESENTATION DAED 05.11.2012.
- EXHIBIT-P6: TRUE COPY OF THE NOTE NO.G159/KFRI/ESST/12 DATED 19.01.2013 OF THE RESEARCH COUNCIL OF THE 4TH RESPONDENT.
- EXHIBIT-P7: TRUE COPY OF THE ADVERTISEMENT VIDE NOTIFICATION NO.1804/C1/2013/KSCSTE DATED 10.06.2013 APPEARED IN THE HINDU DAILY.
- EXHIBIT-P8: TRUE COPY OF THE REPRESENTATION DATED 19.06.2013 AND RECOMMENDATION DATED 22.06.2013.
- EXHIBIT-P9: TRUE COPY OF THE REPRESENTATION DATED 24.06.2013.
- EXHIBIT-P10: TRUE COPY OF THE NEWS PAPER CUTTING DATED 27.08.2013. (DECAN CRONICLE DAILY
- EXHIBIT-P11: TRUE COPY OF THE REPRESENTATION DATED 29.08.2013 OF THE 1ST PETITIONER ASSOCIATION.
- EXHIBIT-P12: TRUE COPY OF THE NEWS PAPER CUTTINGS IN MADHYAMAM DAILY ON 31.08.2013 AND MALAYALA MANORAMA DAILY ON 05.09.2013.

RESPONDENT(S)' EXHIBITS: - NIL

/TRUE COPY

P.A. TO JUDGE

mbr/

A.MUHAMMED MUSTAQUE, J.
=====

W.P(C).Nos.23357 of 2013, 31788 and 32049 of 2014
=====

Dated this the 12th day of February, 2015

JUDGMENT

W.P(C).No.23357 of 2013 is filed seeking a direction to issue new notification inviting application for the post of Director in the Kerala Forest Research Institute (for short, "the KFRI"). W.P(C).No. 32049 of 2014 is filed by Senior Scientist working in the Institute to put him in charge till regular appointment is made to the post of Director. W.P(C).No.31788 of 2014 is filed challenging appointment of ineligible person in the post of Director in-charge.

2. The main challenge in these cases is with regard to placing Dr.P.S.Easa in Director in-charge of the KFRI. It is the case of the petitioners that Dr.P.S.Easa has attained the age of superannuation and is unqualified to hold the post of Director.

3. As the matter stands now, Dr.P.S.Easa retired from service and he is no longer in charge of Director. It is admitted that now the Registrar of Institute is put in charge as Director. There are allegations and counter allegations as against placing Dr.P.S Easa as Director in-charge.

4. It is submitted by learned Standing Counsel for respondents 2 and 3 that they have already initiated steps to fill the

post of Director.

4. The submission of the learned Standing Counsel is recorded. In view of the fact that they are intended to fill the post of Director by inviting notification, there shall be a direction to the respondents 2 and 3 to complete entire exercise of appointment of Director of KFRI within a period of two months from the date of receipt of a copy of this judgment. It is made clear that any appointment of Director shall be strictly in accordance with the prevailing rules and regulations. It is open for the third respondent to make an interim arrangement to the post of Director till process of selection of Director is completed. If possible and there are no impediments, third respondent shall appoint persons who are working in the Institute as Director in-charge as temporary measure.

5. It is made clear that this Court neither accepted any of the allegations made against Dr.P.S Easa nor disapproved all allegations against him. These Writ Petitions are disposed of in view of the fact that learned Standing Counsel has made submission before this Court that they are taking steps to fill the post of Director.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE.