

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 22ND DAY OF SEPTEMBER 2015/31ST BHADRA, 1937

WP(C).No. 26949 of 2010 (P)

PETITIONER(S):

- 1. G.RENJITH, AGED 27, S/O. GOPALAKRISHNA PILLAI, KADAYIL
VEEDU, EDAYADI
POOTHAKKULAM P.O., KOLLAM DISTRICT, PIN-691 302.**
- 2. B.JIJU, AGED 26, S/O. BABU PILLAI,
JIJU BHAVANAM, ARUNNOOTIMANGALAM, MANGADU P.O.
KOLLAM, PIN-691 015.**

BY ADV. SRI.V.VENUGOPALAN NAIR

RESPONDENT(S):

- 1. THE KERALA MINERALS AND METALS LTD.
(A GOVERNMENT OF KERALA UNDERTAKING)
SANKARA MANGALAM, CHAVARA P.O., KOLLAM DISTRICT
PIN-691 583, REPRESENTED BY ITS MANAGING DIRECTOR.**
- 2. THE JOINT GENERAL MANAGER (P&A/EDP),
THE KERALA MINERALS AND METALS LTD., (A GOVERNMENT
OF KERALA UNDERTAKING), SANKARA MANGALAM, CHAVARA P.O.
KOLLAM DISTRICT, PIN-691 583.**
- 3. THE STATE OF KERALA, REPRESENTED BY
THE SECRETARY, DEPARTMENT FOR INDUSTRIES, SECRETARIAT
THIRUVANANTHAPURAM.**

**R,R1 &2 BY ADV. M/S.B.S.KRISHNAN ASSOCIATES, SC. KMML
R,R1 &2 BY ADV. SRI.K.ANAND (A.201)
R,R1 &2 BY ADV. SMT.LATHA KRISHNAN
R3 BY ADV. GOVERNMENT PLEADER SRI. T.R. RAJESH**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 22-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 26949 of 2010 (P)

APPENDIX

PETITIONERS' EXHIBITS :

EXT. P1: TRUE COPY OF THE DIPLOMA CERTIFICATE OF THE 1ST PETITIONER ISSUED BY THE STATE BOARD OF TECHNICAL EDUCATION, GOVERNMENT OF KERALA.

EXT. P1(A): TRUE COPY OF THE DIPLOMA CERTIFICFATE OF THE 2ND PETITIONER ISSUED BY THE STATE BOARD OF TECHNICAL EDUCATION, GOVERNMENT OF KERALA.

EXT. P2: TRUE COPIES OF THE CERTIFICATES ISSUED BY THE 1ST RESPONDENT REGARDING THE COMPLETION OF THE APPRENTICESHIP.

EXT. P3: TRUE COPIES OF THE CERTIFICATES ISSUED BY THE BOARD OF APPRENTICESHIP TRAINING (SOUTHERN REGION, CHENNAI) TO THE PETITIONERS.

EXT. P4: A TRUE COPY OF THE NOTIFICATION ISSUED BY THE 1ST RESPONDENT.

RESPONDENTS' EXHIBITS : NIL.

/TRUE COPY/

P.A. TO JUDGE

SB

K. VINOD CHANDRAN, J.

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W.P.(C) No.26949 of 2010 - P

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Dated this the 22nd day of September, 2015

J U D G M E N T

The petitioners are aggrieved with the fact that they have not been considered for selection despite being included in the preferential category of apprentices, as has been specified in Ext.P4 notification. Both the petitioners are persons, who have three year Diploma in Computer Engineering from the Government Polytechnic and was granted apprenticeship as Technician Apprentice (Computer Engineering) by Ext.P2.

2. The petitioners' grievance is that, in the notification, the qualification indicated is of three years Diploma in Computer Hardware. The selection is to the post of Junior EDP Technician Trainee; which according to the petitioner, they are qualified to apply, especially due to the fact that their

apprenticeship was also on a related aspect.

3. The learned Counsel for the respondent however submits that the petitioners do not have the qualification as indicated in the notification. The petitioners have themselves admitted that the 1st respondent is giving regular annual maintenance contract to other agencies for the maintenance of computer hardware and it is to ensure that the work is done in the company itself that such a notification was brought out.

4. It is evident that the petitioners do not have the qualification as prescribed in Ext.P4, since the petitioners seek for a declaration that their qualification is equivalent to that of a three year Diploma in Computer Hardware. Such a declaration definitely cannot be granted by this Court under Article 226 of the Constitution of India.

5. The further contention of the petitioners is that none with the said qualification have done apprentice, under the

Company and there was hence no requirement in Ext.P4 to show the preferential category. It cannot be said that merely because there were no apprentices having the qualification prescribed, the preference need not have been shown. The Company as per its policy decided to indicate four preferential categories in every notification called for by the Company and the stipulation of preference in the notification is that, if all other things be equal, the persons coming under the preferential category would be selected. This Court would accept the contention of the respondent that the preferential category shown is one which the company does in all notifications, as a matter of policy. To say that when the preferential categories were shown in the notification; appointment shall be made only from such categories; even if they do not have the prescribed qualification; is begging the question.

6. In any event, the petitioners do not possess the

qualification as prescribed in the notification and would not be entitled to be considered for appointment, pursuant to Ext.P4 notification. As per the interim order, the Government was directed to state its opinion as to the claim and having considered the issue has negated it as indicated in the report.

The writ petition hence is devoid of merit and would stand dismissed.

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

SB

// true copy //

P.A to Judge.