

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE SMT. JUSTICE P.V.ASHA

THURSDAY, THE 6TH DAY OF AUGUST 2015/15TH SRAVANA, 1937

WP(C).No. 23382 of 2014 (W)

PETITIONER(S):

**K.A.LINI AGED 37 YEARS
LAST GRADE EMPLOYEE, KALLALA ESTATE
PLANTATION CORPORATION OF KERALA LTD., KALADY[VIA]
ERNAKULAM DISTRICT.**

BY ADV. SRI.JESWIN P.VARGHESE

RESPONDENT(S):

**1. THE MANAGING DIRECTOR
PLANTATION CORPORATION OF KERALA LTD., KOTTAYAM
PIN-686 004.**

**2. THE CALICUT UNIVERSITY
REPRESENTED BY ITS REGISTRAR
CALICUT UNIVERSITY(P.O), MALAPPURAM. PIN-673 635.**

*** ADDL.R3. THE STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT
AGRICULTURE [P.U] DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM, PIN - 695 001.**

ADDL.R3 IMPEADED AS PER ORDER DATED 04.02.2015 IN IA 1384/15.

**R1 BY ADV. SRI.RAJU SEBASTIAN VADAKKEKARA, SC, PLANTATION
CORPORATION OF KEALA LTD.**

R2 BY SRI.SANTHOSH MATHEW,SC,CALICUT UNIVERSITY

**R1 BY SRI.RAJU SEBASTIAN VADAKKEKARA, SC, PLANTATION
CORPORATION OF KEALA LTD.**

ADDL. R3 BY GOVERNMENT PLEADER SRI. REFEEK V.K.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06-08-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).NO. 23382 OF 2014 (W)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1- A TRUE COPY OF THE JUDGMENT IN WP(C)NO.12409/2010 DATED 24.05.2010.

EXT.P2- A TRUE COPY OF THE LETTER ISSUED BY THE 1ST RESPONDENT TO THE STATE GOVERNMENT DATED 18.01.2011.

EXT.P3- A TRUE COPY OF THE PROCEEDINGS OF 1ST RESPONDENT DATED 06.12.2012.

EXT.P4- A TRUE COPY OF THE LETTER NO.AIII(2)1174/11/CW ISSUED BY KERALA PSC TO THE STATE GOVERNMENT DATED 14.12.2011.

EXT.P5- A TRUE COPY OF G.O(P)NO.1/2014 DATED 03.01.2014.

EXT.P6- A TRUE COPY OF REPRESENTATION SUBMITTED TO THE 1ST RESPONDENT DATED 30.03.2014.

EXT.P7- A TRUE COPY OF PETITIONER'S BA(ECONOMICS)DEGREE CERTIFICATE ISSUED BY CALICUT UNIVERSITY DATED 09.03.1999.

EXT.P8- A TRUE COPY OF LETTER NO.P&A/F/65/960 ISSUED BY THE 1ST RESPONDENT DATED 23.05.2014.

EXT.P9- A TRUE COPY OF REPRESENTATION SUBMITTED TO 1ST RESPONDENT DATED 11.06.2014.

EXT.P10- A TRUE COPY OF THE LETTER SUBMITTED TO THE 1ST RESPONDENT DATED 12.06.2014.

EXT.P11:A TRUE COPY OF ENGLISH TRANSLATION OF EXT.P6 REPRESENTATION SUBMITTED BY THE PETITIONER DATED 30.3.2014.

EXT.P12:A TRUE COPY OF MARK LIST OF PRE-DEGREE COURSE ISSUED BY MAHATMA GANDHI UNIVERSITY DATED 14.6.1993.

EXT.P13:A TRUE COPY OF THE REPRESENTATION SUBMITTED TO THE 1ST RESPONDENT DATED 22.11.2014.

EXT.P14:A TRUE COPY OF LETTER NO.P&A/F SUBMITTED BY THE 1ST RESPONDENT BEFORE THE STATE GOVERNMENT DATED 21.11.2014

RESPONDENT(S)' EXHIBITS

ANNEXURE R1(A):TRUE COPY OF THE ORDER NO.G.O.(M.S.)NO.222/12/AD DATED 19.9.2012.

ANNEXURE R1(B):TRUE COPY OF THE LETTER NO.AIII(2)/1174/11/CW DATED 6.11.2012 ISSUED FROM PSC

ANNEXURE R1(C):TRUE COPY OF THE LETTER NO.AIII(2)/1174/11/CW DATED 14.8.2013 ISSUED FROM PSC.

WP(C).NO. 23382 OF 2014

**ANNEXURE R1(D):TRUE COPY OF THE COURSE COMPLETION CERTIFICATE FROM
INSTITUTE OF CORRESPONDENCE AND CONTINUING EDUCATION, UNIVERSITY OF
CALICUT.**

/TRUE COPY/

P.A. TO JUDGE

SKV

P.V.ASHA, J.

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W.P.(C). No.23382 OF 2014

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Dated this the 6th day of August, 2015

JUDGMENT

The petitioner is a Last Grade Servant working in Plantation Corporation of Kerala. According to her, she is a graduate eligible for appointment as LDC in the Plantation Corporation or in the equivalent post of Junior Assistant/ Field Assistant. Government has issued orders as per Ext.P5 by which 10% of the vacancies in the post of LDC's, LD Typists etc. are earmarked for appointing last grade servants and employees in lower categories on the basis of their qualifications and seniority.

2. The writ petition is filed challenging Ext.P8 and praying for a direction to the respondent Corporation to give promotion to the petitioner by accepting her Degree Certificate in Economics without insisting for equivalency certificate. By Ext.P8, the 1st respondent Corporation had directed the petitioner to produce an equivalency certificate from Calicut University to the effect that her degree awarded

through correspondence course is equivalent to the regular degree course.

3. According to the petitioner the qualification prescribed for LDC/Junior Assistant/Field Assistant is only a recognised degree from a University. Therefore it is not necessary to seek production of the equivalency certificate for the purpose of considering her for appointment as Junior Assistant in Corporation.

4. The Corporation has by Ext.P8 directed the petitioner to produce equivalency certificate. Ext.P7 is the degree certificate of the petitioner, showing that the University of Calicut has conferred on the petitioner the degree of BA in the faculty of Humanities. Learned counsel for the respondent Corporation submitted that Ext.R1(d) would show that the petitioner completed her course as a student of private study undergoing distance education. Learned Standing counsel for the University submits that no equivalency certificate is necessary as far as the degree awarded by Calicut University is concerned and the degree awarded for a student who has undergone regular course of

study and by distance education under the University are one and the same. Therefore there is no necessity to issue equivalency certificate in such case.

5. Under the above circumstances, the petitioner will be treated as having the requisite qualification viz. BA degree for the purpose of appointment as Junior Assistant and there will be a direction to the 1st respondent to consider her appointment to the post of Junior Assistant in accordance with law as and when Rules permit.

6. The 1st respondent Corporation has filed a statement pointing out that the Government order, Ext.P5 by which additional 10% of the vacancies have been earmarked for last grade servants and employees in lower categories in subordinate services are yet to be adopted by the Corporation. It is also stated that the Corporation has already approached Government submitting their resolution No.405 for approval from Government for implementation of Ext.P5 order. So far Government has not passed any orders according to sanction for the same, hence it is not implemented.

7. State of Kerala is impleaded as 3rd respondent in this writ petition. In the above circumstances there will be a direction to the Government to pass appropriate orders on Ext.P4 resolution of the 1st respondent Corporation, in which they have requested for permission to implement Ext.P5 order, within a period of one month.

Hence this Writ Petition is disposed of with the above observations.

Sd/-
P.V.ASHA, JUDGE

SKV