

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 9TH DAY OF MARCH 2015/18TH PHALGUNA, 1936

WP(C).No. 26280 of 2014 (H)

PETITIONER(S):

**V.VINU,
S/O. ARAYANAN, VADAKKEPURAKAL HOUSE,
TRITHALA P.O. PALAKAD - 679 534.**

BY ADV. SRI.P.V.JAYACHANDRAN

RESPONDENT(S):

**1. THE UNION OF INDIA,
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
MINISTRY OF PARLIAMENTARY AFFAIRS,
NEW DELHI - 110 001.**

**2. THE EXECUTIVE OFFICER
JOINT RECRUITMENT CELL, PARLIAMENT HOUSE ANNEXE,
NEW DELHI - 110 001.**

*** ADDITIONAL R3 IMPEADED**

**3. SAI RAM C.V.,
S/O.P.CHANDRAN ACHARI, P.R.A.B.289/A PEYAD, PEYAD P.O.,
THIRUVANANTHAPURAM - 695 573.**

*** ADDL.R3 IMPEADED AS PER ORDER DATED 04.11.2014 IN IA 14765/14.**

R1 & R2 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
09-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 26280 of 2014 (H)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT. P1 - TRUE COPY ADVERTISEMENT NO. 1/2013.

EXT. P2 - TRUE COPY OF THE LETTER DT. 06.6.14.

EXT. P3 - TRUE COPY OF THE FINAL RESULT DT. 27.8.14 ANNEXING THE MARK LIST.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

MsV/

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.26280 of 2014

Dated this the 9th day of March, 2015

JUDGMENT

The petitioner belongs to Scheduled Caste Community. He applied for the post of Junior Library Assistant in Lok Sabha Secretariat. The upper age limit for appointment to the post of Junior Library Assistant is 27 years. However, the age relaxation given to candidates belong to Scheduled Caste and Scheduled Tribe. The minimum cut off percentages of marks in written test and personal interview in an examination is 50%, 45% and 40% for vacancies in General, OBC and SC/ST categories respectively.

2. The petitioner approached this Court feeling aggrieved by non-consideration for vacancies in general quota. The petitioner submits that merely because there is an age relaxation for him, that does not take away his right for

considering him in the post in general vacancies. Therefore, it is submitted that non-consideration for general category is a denial of opportunity. Thus, the petitioner has approached this Court.

3. In this matter, a counter affidavit has been filed by the second respondent. A preliminary objection regarding territorial jurisdiction has been raised in entertaining the writ petition as the main examination was held in Delhi and the preliminary examination was held in Kolkata and Delhi. It is also contended that the petitioner had not secured 50% marks in preliminary examination for aspiring general category. Therefore, the petitioner cannot aspire for general category. However, it is admitted that the petitioner is a successful candidate for filling up of the vacancies in the Scheduled Caste category. It is further submitted that there is no vacancy in Scheduled Caste category.

4. The only issue before this Court is with regard to the claim of the petitioner in a general category. Admittedly, the petitioner did not score 50% marks, which is requisite for considering him in the vacancies for general category. The relaxation of the marks is given for the respective 'vacancies' in different quota. The relaxation is not given to the member of the Community to aspire in general category. When the relaxation is given for the vacancies in Community quota, that is not extensible to the vacancies in general quota. The Clause XII abundantly makes it clear that cut off marks is based on the vacancies in each category. There is no challenge against the notification. Therefore, when the prescribed qualification for general category is not satisfied, the petitioner cannot aspire for the appointment to the vacancies in that category. No doubt, the petitioner will be entitled for consideration for the quota earmarked for the Scheduled Caste category.

5. The question regarding jurisdiction, I am of the view, if part of the cause of action has arisen within the jurisdiction of the High Court, necessarily, this Court can entertain this writ petition. Admittedly, the notification is based on All India basis. The petitioner responded to the notification from Kerala. Holding examination at particular centre or within the jurisdiction of the different High Court is not a criteria. In view of the nature of the notification, the petitioner having responded from Kerala, I am of the view, the part of the cause of action has arisen in Kerala. The issue regarding maintainability is thus overruled.

In the light of the fact that the petitioner is not qualified for aspiring the vacancies in general category, I do not find any reason to interfere with the selection process for general category. However, if the petitioner has grievance for non-consideration for the Scheduled Caste category, the

petitioner is free to take up this issue with the authorities in appropriate manner.

With that liberty, the writ petition is disposed of.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

ln