

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

MONDAY, THE 27TH DAY OF JULY 2015/5TH SRAVANA, 1937

WP(C).No. 28756 of 2014 (B)

PETITIONER(S):

JAYAPRAKASH.R.K.
SATHYAPURI
NADUVANNUR
AVITTANALLUR
KOZHIKODE - 673 618

BY ADVS.SRI.ELVIN PETER P.J.
SRI.T.G.SUNIL (PRANAVAM)
SRI.K.R.GANESH

RESPONDENT(S):

1. KERALA STATE ROAD TRANSPORT CORPORATION
REPRESENTED BY ITS MANAGING DIRECTOR
FORT, THIRUVANANTHAPURAM - 695 022.
2. THE MANAGING DIRECTOR
KERALA STATE ROAD TRANSPORT CORPORATION
FORT, THIRUVANANTHAPURAM - 695 022.
3. KERALA PUBLIC SERVICE COMMISSION
REPRESENTED BY ITS SECRETARY
PATTOM, THIRUVANANTHAPURAM - 695 004.

R3 BY ADV. SRI.P.C.SASIDHARAN, SC, KPSC
R BY SRI.M.GOPIKRISHNAN NAMBIAR, SC, KSRTC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
27-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C) No.28756 OF 2014

PETITIONERS' EXTS:

- EXT.P1 TRUE COPY OF NOTIFICATION PUBLISHED IN THE KERALA GAZETTE DATED 17.6.2008.
- EXT.P2 TRUE COPY OF SHORT LIST PUBLISHED IN MATHRUBHUMI THOZHILVARTHA DATED 15.12.2012 BY THE THIRD RESPONDENT.
- EXT.P3 TRUE COPY OF COMMUNICATION DATED 20.6.2012 ISSUED BY THE THIRD RESPONDENT TO THE PETITIONER.
- EXT.P4 TRUE COPY OF EXPERIENCE CERTIFICATE DATED 4.7.2012 OF THE PETITIONER ATTESTED BY ASST. LABOUR OFFICER, KALPATTA.
- EXT.P5 TRUE COPY OF COMMUNICATION DATED 13.12.2012 ISSUED BY THE THIRD RESPONDENT.
- EXT.P6 TRUE COPY OF NON CREAMY LAYER CERTIFICATE DATED 19.12.2012 ISSUED BY THE VILLAGE OFFICER, AVITANALLUR TO THE PETITIONER.
- EXT.P7 TRUE COPY OF NOTIFICATION PUBLISHED IN THE WEB SITE OF THE THIRD RESPONDENT DOWNLOADED BY THE PETITIONER.
- EXT.P8 TRUE COPY OF RANK LIST FOR THE POST OF PAINTER GR.II PUBLISHED BY THE THIRD RESPONDENT.

//True copy//

P.S.to Judge.

V.CHITAMBARESH, J.

W.P (C) No.28756 of 2014

Dated this the 27th day of July, 2015

J U D G M E N T

The writ Petition relates to the recruitment to the post of Painter Grade II in the Kerala State Road Transport Corporation. The requisite qualification to apply for the post is expertise in painting and 5 years experience in painting. The conditions are stipulated in Ext.P1 notification and Part II of the General conditions also forms part of the same.

2. Ext.P4 certificate reveals the experience gained by the petitioner. It is evident that the services put in by the petitioner is continuous and not of casual nature. It cannot be said that the petitioner is a casual labourer for over 5 years. A reading of the experience certificate reflects that the period of service was continuous.

3. The mere fact that the term 'casual' was incorporated in the earlier part of the experience certificate does not mitigate its value. The respondents are therefore directed to include the petitioner also in Ext.P8 rank list. The same shall however be done without affecting the seniority of

those who are already included.

The writ Petition is disposed of.

Sd/-
V.CHITAMBARESH,
Judge.

nj.