

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

THURSDAY, THE 22ND DAY OF JANUARY 2015/2ND MAGHA, 1936

WP(C).No. 32276 of 2014 (H)

PETITIONER :

**ROSHINI T.S., AGED 30 YEARS,
WIFE OF SRI.RAJEEV KUMAR,
RESIDING AT MUTTATHIL HOUSE,
PANANGAD P.O.,COCHIN - 682 506.**

**BY ADVS.SRI.P.GOPAKUMARAN NAIR
SRI.C.S.DIAS
SRI.N.K.SUBRAMANIAN
SMT.B.BINDU
SRI.M.S.SREEJITH**

RESPONDENT(S) :

- 1. REGIONAL JOINT DIRECTOR OF URBAN AFFAIRS,
CENTRAL REGION, BROADWAY, COCHIN - 682 031,
REPRESENTED BY REGIONAL JOINT DIRECTOR.**
- 2. DIRECTOR OF URBAN AFFAIRS,
PUBLIC OFFICE BUILDING, THIRUVANANTHAPURAM - 695 033,
REPRESENTED BY ITS DIRECTOR.**
- 3. LOCAL SELF GOVERNMENT DEPARTMENT,
GOVERNMENT OF KERALA, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001,
REPRESENTED BY ITS PRINCIPAL SECRETARY.**
- 4. JOINT CONTROLLER OF TECHNICAL EXAMINATIONS (KERALA),
DIRECTORATE OF TECHNICAL EDUCATION, FORT P.O.,
THIRUVANANTHAPURAM - 695 023**

R1 TO R4 BY GOVERNMENT PLEADER SMT. SANJEETHA.K.A

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 22-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 32276 of 2014 (H)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1. TRUE COPY OF THE DIPLOMA CERTIFICATE ISSUED BY THE 4TH
RESPONDENT IN FAVOUR OF THE PETITIONER ON 17.04.2006.**
- EXHIBIT P2. TRUE COPY OF THE CERTIFICATE OF REGISTRATION ISSUED BY THE
1ST RESPONDENT DATED 24.09.2008.**
- EXHIBIT P3. TRUE COPY OF THE PETITIONER'S IDENTITY CARD ISSUED BY THE
1ST RESPONDENT DATED 24.09.2008.**
- EXHIBIT P4. TRUE COPY OF THE LETTER DATED 04.09.2014 ISSUED BY THE 1ST
RESPONDENT.**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 32276 of 2014

Dated this the 22nd day of January, 2015

JUDGMENT

Heard the learned counsel for the petitioner and the learned Government Pleader for the respondents, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. Briefly stated, the petitioner, 'Supervisor B' under the Kerala Municipality Building Rules, 1999, filed an application for renewal of certificate of registration, which was rejected through Exhibit P4 by the first respondent on the ground that the qualification possessed by the petitioner does not fall within Appendix-L. Aggrieved thereby, the petitioner filed the present writ petition.

3. The learned counsel for the petitioner has submitted that the petitioner possessed Exhibit P1 qualification, i.e. Diploma in Architecture (three year course), awarded by the fourth respondent, and that through Exhibit P2 dated

24.09.2008 the Department of Urban Affairs, the Government of Kerala, issued a certificate of registration which was valid for three years. He has further contended that subsequently through Exhibit P3 it was renewed from 24.09.2011 to 23.09.2014. Only when the petitioner applied second time for the renewal, did the first respondent reject the same in the manner indicated above. According to him, the qualification possessed by the petitioner is equivalent to Architectural Assistantship which is shown in 'Appendix L'. Accordingly, he has urged this Court to allow the writ petition.

4. The learned Government Pleader has submitted, in tune with the statement filed by the first respondent, that, in the light of the fact that there have been other applications received involving the same issue, the first respondent has requested the fourth respondent for clarification on this issue through a communication, dated 19.12.2013. She has also submitted that on 03.03.2014 and 19.12.2014 reminders were sent. According to her, unless the fourth respondent provides the necessary qualification, it is not competent for the first respondent to renew the certificate of registration especially in the face of the qualification prescribed in

'Appendix L'.

5. It is evident that the petitioner had her initial registration through Exhibit P2 way back on 24.09.2008; later it was renewed through Exhibit P3 up to 23.09.2014. It is not the case of the respondents that in the interregnum there has been any change in the policy with regard to the qualifications.

6. In the facts and circumstances, it serves the ends of justice if a direction is given to the first respondent to renew the petitioner's certificate of registration provisionally, subject to the clarification to be provided by the fourth respondent.

7. Accordingly, this writ petition is disposed of with a direction to the first respondent to renew the petitioner's certificate of registration provisionally, subject to the clarification to be provided by the fourth respondent in course of time, as expeditiously as possible.

With the above observation, this writ petition is disposed of.

DAMA SESHADRI NAIDU
JUDGE

DMR/-

The words "*fourth respondent*" occurring in the 5th line of the 4th paragraph of the judgment dated 22.01.2015 in W.P. (C) No. 32276/2014 are corrected and substituted as "*third respondent*", as per order dated 16.12.2015 in I.A. No. 17521/2015 in W.P. (C) No. 32276/2014.

Sd/-
Registrar (Judicial)