

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

WP(C).No. 37954 of 2010 (T)

PETITIONER:

**RASHEED.P.S., S/O. SAIDUMUHAMMED.P.M.,
AGED 37, RESIDING AT PUTHIRIKANDATHIL HOUSE,
KOTHAMANGALAM VILLAGE, KOTHAMANGALAM.P.O.,
ERNAKULAM DISTRICT, PIN - 686691.**

BY ADV. SRI.A.G.BASIL

RESPONDENT(S):

- 1. SREE SANKARACHARYA UNIVERSITY OF
SANSKRIT, KALADY, PIN-683574,
REPRESENTED BY ITS REGISTRAR.**
- 2. VICE-CHANCELLOR & CHAIRMAN,
SELECTIN COMMITTEE FOR THE SELECTION OF
ASST. ELECTRICAL ENGINEER, SREE SANKARACHARYA
UNIVERSITY OF SANSKRIT, KALADY-683574.**
- 3. THE PRINCIPAL SECRETARY, HIGHER EDUCATION,
GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM, PIN - 695 001.**

**R1 & R2 BY ADV. SRI.P.K.VIJAYAMOHANAN,SC
SRI.P.C.SASIDHARAN,SC,SREE SANKARACHARY
SRI.ARUN B.VARGHESE,SC, SREE SANKARACHARYA UTY.
R3 BY SENIOR GOVERNMENT PLEADER SMT.RAJASREE.M.J.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 15-01-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

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WP(C).No. 37954 of 2010 (T)

APPENDIX

PETITIONER'S EXHIBITS:

- EXHIBIT P1 : TRUE COPY OF THE NOTIFICATION NO.R.CELL/1217/SSUS/2009
DATED 19.6.2010 ISSUED BY THE RESPONDENT UNIVERSITY.**
- EXHIBIT P2 : TRUE COPY OF THE NOTIFICATION NO.R.CELL/NT/AE/SSUS/2005
DATED 19.8.2005 ISSUED BY THE RESPONDENT UNIVERSITY.**
- EXHIBIT P3 : TRUE COPY OF THE MINUTES OF THE SYNDICATE OF THE
RESPONDENT UNIVERSITY HELD ON 4.9.2010 AND THE DECISION ON
ITEM NO.3 AND THE APPENDIX I, CRITERIA.**
- EXHIBIT P4 : TRUE COPY OF THE PAPER REPORT APPEARED IN HINDU DAILY ON
16.12.2010 WITH REGARD TO THE CABINET DECISION OF
ENTRUSTING APPOINTMENTS IN UNIVERSITIES TO PUBLIC SERVICE
COMMISSION.**

RESPONDENT'S EXHIBITS: - NIL

/TRUE COPY/

P.S. TO JUDGE

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A.MUHAMED MUSTAQUE, J.

W.P.(C) No.37954 of 2010

Dated this the 15th day of January, 2015

JUDGMENT

The petitioner has approached this Court with the following reliefs:

- a. Call for the records leading to Ext.P1 notification and P3 norms and criteria framed by the Respondent University, by issuance of a Writ of Certiorari or any other appropriate writ, Order or Direction, and quash the same, to the extend of Srl.No.3, with regard to the selection of Asst. Engineer, Electrical;
- b. Issue a writ of mandamus or any other writ, order or Direction, directing the respondent University to promote the petitioner to the post of Asst.Engineer, Electrical, in the respondent University;
- c. To declare that the petitioner is entitled to be promoted as Asst.Engineer, Electrical by relaxing the prescription of 10 years experience as in the case of other promotions in the University;

- d. Direct the respondent University to reserve one post of Asst. Engineer, Electrical for the promotion of the petitioner.

2. The petitioner, admittedly, is working as Overseer (Electrical) and the next promotion cadre is Assistant Engineer (Electrical). The petitioner approached this court aggrieved by Ext.P1 notification inviting application for direct recruitment in the post of Assistant Engineer (Electrical).

3. It is the case of the University in the counter affidavit that the petitioner was appointed as a permanent member of the University in the post of Overseer only on 11.5.2006 and as per the University Statutes in the cadre of Overseer/Draftsman with ten years service, will be eligible for promotion to the cadre of Assistant Engineer. Therefore, it is submitted that the petitioner was not eligible to be promoted as the cadre of Assistant Engineer (Electrical). It is further submitted that the qualification required for the post of Assistant Engineer (Electrical), is B.Sc/B.Tech in Electrical Engineering or

equivalent. It is submitted that the petitioner does not possess any of the qualification. However, the petitioner disputes the above and submits that he is qualified and is entitled for promotion. Fact remains that at relevant point of time, the petitioner had not put ten years service to become eligible for promotion. Therefore, I am of the view that the University is justified in considering him as ineligible for promotion to the cadre of Assistant Engineer(Electrical) at the time of Ext.P1 notification. However, it is submitted that the appointees to the post of Assistant Engineer has been terminated from service and the post is vacant. I am of the view that as and when the petitioner is qualified, the petitioner shall also be considered for any post in the future vacancies in accordance with law.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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