IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

FRIDAY, THE 24TH DAY OF JANUARY 2020 / 4TH MAGHA, 1941

OP(KAT).No.547 OF 2019

AGAINST THE ORDER/JUDGMENT IN OA 1973/2019 DATED 17-10-2019 OF KERALA ADMINISTRATIVETRIBUNAL, THIRUVANANTHAPURAM

PETITIONER/S:

1 **UMESH UNNIKRISHNAN,**
AGED 34 YEARS
S/O. M.K UNNIKRISHNAN, RESIDING AT ROOM NO. 8, SOUPARNIKA RESEARCH SCHOLARS HOSTEL, SREE SANKARACHARYA SANSKRIT UNIVERSITY, KALADY 683574.

2 **ASHA M JACOB,**
AGED 37 YEARS
W/O. JOSE K.Y, RESIDING AT MANAPPADAN HOUSE, AIMURY P.O, PERUMBAVOOR 683544.

3 **SARITHA V.H,**
AGED 38 YEARS
W/O. SUDHEESH V, RESIDING AT KUTTIKKADU HOUSE, SOUTH VAZHAKULAM, ALUVA 683105.

BY ADVS.
SRI.ELVIN PETER P.J.
SRI.K.R.GANESH
SMT.N.R.REESHA
SMT.T.S.LIKHITHA

RESPONDENT/S:

1 **STATE OF KERALA,**
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF

AGRICULTURE AND ANIMAL HUSBANDRY, SECRETARIAT, THIRUVANANTHAPURAM 695 001.

2 THE DIRECTOR OF ANIMAL HUSBANDRY, DIRECTORATE OF ANIMAL HUSBANDRY., VIKAS BHAVAN BUILDINGS, THIRUVANANTHAPURAM 695 033.

3 THE DISTRICT ANIMAL HUSBANDRY OFFICER, DISTRICT ANIMAL HUSBANDRY OFFICE, MANGATTUKAVALA, THODUPUZHA EAST P.O, IDUKKI 685 585.

4 THE DISTRICT OFFICER, KERALA PUBLIC SEERVICE COMMISSION, DISTRICT OFFICE, KATTAPPANA, IDUKKI 685 508.

OTHER PRESENT:

SR.GP SRI.ANTONY MUKKATH,
SRI.P.C.SASIDHARAN,SC,PSC

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING BEEN FINALLY HEARD ON 24.01.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 24th day of January, 2020

Vinod Chandran, J.

The petitioners who were included in Annexure A1 rank list is aggrieved by Ext.P3 order to the extent it does not consider the request of the Kerala Public Service Commission (for short PSC) for advising the candidates for direct recruitment in the vacancies set apart for the children of ex-service personnel and by transfer appointments from the subordinate service of the Animal Husbandry Department.

2. The rank list published at Annexure A1 was for direct recruitment to the post of Live Stock Inspector Grade II. The Special Rules applicable is Ext.P2. There is a specific ratio provided for recruitment, by transfer from subordinate Ministerial or Last Grade services of the Animal Husbandry Department and by direct

recruitment. As far as direct recruitment, within the quota there is again a quota provided for candidates with the required qualification, from ex-service personnel as also Cattle Improvement Assistants working in the Animal Husbandry Department. There is no candidate for direct recruitment either from the quota set apart for ex-service personnel or from Cattle Improvement Assistants.

3. The PSC hence on its own accord requested the Government for permitting appointment by direct recruitment from candidates having the required qualification from the open quota even to those vacancies. The Government considered the issue by Ext.P3, however, permitted the same only in the case of vacancies set apart for Cattle Improvement Assistants. It is also admitted that the Cattle Improvement Assistant is a vanishing breed. The Government did not consider the question of quota

set apart for ex-service personnel nor was it declined in Ext.P3 .

4. The learned Counsel appearing for the petitioner would take us through Ext.P4 judgment to persuade us to make similar directions so as to enable the filling up of the posts by Annexure A1 and then compensating those posts now filled up from the quota of the ex-service personnel, in any subsequent recruitment. We do not see any declaration of law made by the learned Single Judge at Ext.P4 and we are not convinced that such a direction could be issued by this Court especially when the Government has the powers to do it. The learned Counsel for the petitioners then would submit that the same may be directed to be carried out in a time bound manner. In the above circumstances we are of the opinion that a consideration could be made by the Government on the request made by the PSC itself as to whether

the quota available to the ex-service personnel should be filled up from the rank list now published for the post of Live Stock Inspector Grade II. We hence direct the Government to make a consideration as is seen from Ext.P3 as also in the light of the recommendation of the PSC within a period of one month from today. We give this limited time only because the rank list is said to be expiring on 31.01.2020.

With the above directions original petition is disposed of. No order as to costs.

Sd/-
K. VINOD CHANDRAN,
JUDGE.

Sd/-
V.G. ARUN,
JUDGE.

Jma/

APPENDIX

PETITIONER'S/S EXHIBITS:

EXHIBIT P1	**TRUE COPY OF THE O.A NO. 1973/2019 FILED BEFORE THE HON'BLE KERALA ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM**
EXHIBIT P1(A1)	**TRUE COPY OF THE RANK LIST NO. 358/17/DOJ (CAT. NO. 068/2014) PUBLISHED BY THE PSC.**
EXHIBIT P1(A2)	**TRUE COPY OF THE RANK LIST NO. NIL (CAT. NO. 067/2014) PUBLISHED BY THE PSC.**
EXHIBIT P1(A3)	**TRUE COPY OF THE RANK LIST NO. 357/17/DOJ(CAT. NO. 008/2013) PUBLISHED BY THE PSC.**
EXHIBIT P2	**TRUE COPY OF THE ANIMAL HUSBANDRY SUBORDINATE SERVICE SPECIAL RULES 1993.**
EXHIBIT P3	**TRUE COPY OF G.O(MS) NO. 308/2014/AD DATED 22-12-2014.**
EXHIBIT P4	**TRUE COPY OF THE JUDGMENT DATED 17-3-2011 IN W.P(C) NO. 25851/2009 OF THE HON'BLE HIGH COURT OF KERALA.**
EXHIBIT P4(A)	**TRUE COPY OF THE CIRCULAR NO. 11/2012 DATED 31-3-2012 ISSUED BY THE PSC.**
EXHIBIT P5	**TRUE COPY OF ORDER DATED 12-12-2012 IN O.A NO. 498/2012 OF THIS HON'BLE TRIBUNAL.**
EXHIBIT P6	**TRUE COPY OF THE ORDER DATED 17-10-2019 IN O.A NO. 1973/2019 OF THE HON'BLE KEREALA ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM**