IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MURALI PURUSHOTHAMAN

TUESDAY, THE 30TH DAY OF JULY 2024 / 8TH SRAVANA, 1946

WP(C) NO. 27203 OF 2024

PETITIONER:

MANOJ P.K., AGED 60 YEARS
S/O. P.K. KARUNAKARAN, GURUVIHAR,
ERICADU, PUTHUPPALLY P.O.,
KOTTAYAM, PIN - 686011

BY ADV SHABU SREEDHARAN

RESPONDENTS:

1 **STATE OF KERALA**
REPRESENTED BY THE PRINCIPAL SECRETARY,
INDUSTRIES DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001

2 **THE KERALA PUBLIC ENTERPRISE (SELECTION & RECRUITMENT BOARD)**
REPRESENTED BY ITS SECRETARY
VELLAYAMBALAM, VIKAS BHAVAN P.O.,
THIRUVANANTHAPURAM, PIN - 695033

3 **THE DIRECTOR**
HANDLOOM AND TEXTILES, VIKAS BHAVAN,
THIRUVANANTHAPURAM, PIN - 695033

4 **THE KERALA STATE CO-OPERATIVE TEXTILE FEDERATION LIMITED REPRESENTED BY ITS MANAGING DIRECTOR**
KOWDIAR P.O., THIRUVANANTHAPURAM, PIN – 695003
R BY SR.GP SMT.MARY BEENA JOSEPH
BY SMT.P.U.SHAILAJAN,SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30.07.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner is presently working as Manager (Accounts) in Priyadarsini Co-operative Spinning Mills Ltd., Meenadam, Kottayam of which the 4th respondent TEXFED is the apex body. The petitioner states that he superannuated from service on 31.05.2022 and he has been granted extension of service up to 30.11.2024.

2. The 2nd respondent, the Kerala Public Enterprises (Selection and Recruitment) Board, issued Ext.P4 notification for appointment to the post of Managing Director in the TEXFED. The eligibility criteria for the said post have been given in Ext.P4 as follows:

> "III. ELIGIBILITY
> 1. QUALIFICATION:

Graduation in Textile Technology and 10 years' post qualification experience / Diploma in Textile Technology and 15 years' post qualification experience.

2. AGE LIMIT:

Applicants should attain the age of 45 years and should not cross 62 years as on the date of Notification of the vacancy for the post.

3. EXPERIENCE:

(i) 10 years' post qualification experience in mills with a capacity of 20000 spindles with turnover of Rs.40 Crores for Graduate Candidates.

(ii) 15 years' post qualification experience in mills with a capacity of 20000 spindles with turnover of Rs.40 Crores for Diploma candidates."

3. The petitioner submits that he has the eligibility and qualifications prescribed under item Nos.2 and 3 whereas he is lacking the qualification

prescribed in item No.1. The petitioner states that he is a Graduate having Diploma in Business Management and Advance Diploma in Management. However, since the qualification prescribed in Ext.P4 is Graduation/Diploma in Textile Technology, he is ineligible to apply for the post. The petitioner submits that the qualifications prescribed for the post of Managing Director in Ext.P4 are contrary to the Bye Laws of TEXFED and that in no other Public Sector Undertakings, similar to TEXFED in Textile Industry, the qualification of Graduation/ Diploma in Textile Technology has been stipulated. Challenging the criteria of qualification prescribed in Ext.P4, the petitioner has filed this writ petition.

4. Heard the learned counsel for the petitioner, the learned Standing Counsel for TEXFED and the

learned Government Pleader.

5. The learned Standing Counsel for the TEXFED submits that the Bye Laws are silent as regards the qualification prescribed for the post of Managing Director.

6. The eligibility and suitability of the candidate has to be determined as per the qualification prescribed in the Service Rules. So far as the Bye Laws of the TEXFED are concerned, the same does not prescribe the qualifications for the post of Managing Director. Therefore, the selection has to be made on the basis of the qualifications prescribed in the notification. Sl.No.III of Ext.P4 notification deals with eligibility and III (1) deals with qualification. It provides that the candidate shall have Graduation /Diploma in Textile Technology with

particular years of post qualification experience. Admittedly, the petitioner is not having the qualification of Graduation / Diploma in Textile Technology. When the qualification has been prescribed in the notification, it is not for this Court to substitute or revise the same. Since the petitioner is admittedly not having the qualification prescribed in Sl.No. III (1) of Ext.P4, no relief can be granted to the petitioner in this writ petition.

The writ petition lacks merits and accordingly, dismissed. No costs.

Sd/-

MURALI PURUSHOTHAMAN
JUDGE

SB

APPENDIX

PETITIONER EXHIBITS

Exhibit-P1 THE TRUE COPY OF THE DEGREE CERTIFICATE OF THE PETITIONER DATED 22.4.1989

Exhibit-P2 THE TRUE COPY OF THE DIPLOMA CERTIFICATE OF THE PETITIONER DATED 5.11.2009

Exhibit-P3 THE TRUE COPY OF THE ADVANCED DIPLOMA CERTIFICATE OF THE PETITIONER DATED 12.8.2013

Exhibit-P4 THE TRUE COPY OF NOTIFICATION ISSUED BY THE 2ND RESPONDENT TO THE POST OF MANAGING DIRECTOR OF KERALA STATE CO-OPERATIVE TEXTILE FEDERATION LIMITED (TEXFED) DATED NIL

Exhibit-P5 THE TRUE COPY OF THE NOTIFICATION FOR SELECTION TO THE POST OF MANAGING DIRECTOR IN THE NATIONAL HANDLOOM DEVELOPMENT CORPORATION LTD. (NHDC) DATED 9.2.2024

Exhibit-P6 THE TRUE COPY OF THE NOTIFICATION FOR SELECTION TO THE POST OF DIRECTOR (PLANNING & MARKETING) IN THE NATIONAL SMALL INDUSTRIES CORPORATION LTD. (NSIC) DATED 23.2.2022

Exhibit-P7 THE TRUE COPY OF THE NOTIFICATION FOR SELECTION TO THE POST OF CHAIRMAN & MANAGING DIRECTOR IN THE NATIONAL THERMAL POWER CORPORATION LTD (NTPC)DATED NIL