

Sharon. M vs State of Kerala

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Court : Kerala

Decided On : May-31-2023

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : WP(C)/13527/2023

Appellant : Sharon. M

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
WEDNESDAY, THE 31ST DAY OF MAY 2023 / 10TH JYAISHTA, 1945
PETITIONER: SHARON. M OPPA BHAVAN, THIRUMALA
WARD, PONJIKKARA, ALAPPUZHA, PIN - 688011 BY ADVS.
T.SANJAY SANIL KUMAR G. MIDHUN R. RESPONDENTS: 1 STATE
OF KERALA REPRESENTED BY SECRETARY TO GOVERNMENT,
HIGHER EDUCATION DEPARTMENT, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001 2 THE
DIRECTOR OF TECHNICAL EDUCATION DIRECTORATE OF
TECHNICAL EDUCATION, THIRUVANANTHAPURAM, PIN - 695001
BY ADV GOVERNMENT PLEADER SMT.NISHA BOSE, SENIOR GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31.05.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.V.KUNHIKRISHNAN, J.

----- W.P.(C)No. 13527 of 2023
----- Dated this the 31st day of May, 2023

JUDGMENT

The above writ petition is filed with the following prayers: (i) To declare that KGCE Certificate in "Automobile Engineering" is equivalent/alternative qualification to ITI Trade certificate in Mechanic Diesel and Mechanic Motor Vehicles;

(ii) to issue a writ of mandamus or any

other appropriate writ, direction or order directing the 2nd respondent to accept KGCE certificate in the subject "Automobile Engineering" as equivalent/alternative qualification to I.T.I. Trade Certificates in Mechanic Diesel and Mechanic Motor Vehicles;

(iii) to issue a Writ of Certiorari or any other writ, direction or order to quash Ext. P8 letter issued by the 2nd respondent violating Ext. P2

order;

(iv) to issue a writ of mandamus or any other appropriate writ, direction or order directing the 2nd respondent to implement Ext P-2 Govt

Order and to issue specific separate consequential

orders for declaring KGCE as equivalent qualification for VHSC/NCVT/NTV/ITI;

(v) petitioner also prays that this Hon'ble Court may be pleased to dispense with the translation of the documents produced in the vernacular language;

(vi) to issue such other reliefs as this Honourable Court may deem fit and proper in the

facts and circumstances of the case.[SIC]

2. This writ petition is filed aggrieved by

Ext.P8 order of the 2nd respondent. The petitioner wants an equivalency certificate of KGCE certificate in Automobile Engineering to ITI Trade certificate in Mechanic Diesel and Mechanic Motor Vehicles. The petitioner approached this Court earlier with a writ petition and as per Ext.P7 judgment, this Court directed the 2nd respondent to consider the request of the petitioner in the light of Ext.P2 Government Order. The grievance of the petitioner is that, without considering Ext.P2 Government Order, the 2nd respondent issued Ext.P8 rejecting the claim of the petitioner. Hence this writ petition is filed.

3. Heard the learned counsel appearing for the petitioner and the learned Government Pleader.

4. Counsel appearing for the petitioner reiterated the contentions raised in this writ petition.

5. This Court perused Ext.P8 communication. A perusal of Ext.P8 would not show that the 2nd

respondent has considered Ext.P2 Government Order

while passing such an order. A perusal of Ext.P7

judgment will show that this Court specifically

directed to consider Ext.P2 while deciding the matter. In such circumstances, according to me, the 2nd respondent has to reconsider the matter in the light of Ext.P2 Government Order. Therefore, this writ petition is allowed in the following manner: i. Ext.P8 is set aside. ii. The 2nd respondent is directed to reconsider the matter specifically adverting Ext.P2 Government Order, as expeditiously as

possible, at any rate, within a period of one month from the date of receipt of a certified copy of this judgment. iii. Petitioner will produce a certified copy of this judgment along with a copy of this writ petition before the 2nd respondent for compliance. Sd/- P.V.KUNHIKRISHNAN DM JUDGE APPENDIX OF WP(C) 13527/2023 PETITIONER EXHIBITS EXHIBIT P1 THE TRUE COPY OF COURSE CERTIFICATE DATED 04.01.2008 IN RESPECT OF THE PETITIONER ISSUED BY THE OFFICE OF THE 2ND RESPONDENT EXHIBIT-P2 A TRUE COPY OF KERALA GOVERNMENT

ORDER DATED 17.12.2008 ISSUED BY

THE 1ST RESPONDENT EXHIBIT-P3 TRUE COPY OF THE PSC NOTIFICATION DATED 29.12.2018

EXHIBIT-P4 THE TRUE COPY OF THE RTI REPLY NO.

DATED 16.09.2022 PREFERRED BY THE PETITIONER TO THE 2ND RESPONDENT EXHIBIT-P6 THE TRUE COPY OF THE ACKNOWLEDGEMENT RECEIPT OF THE SAID REPRESENTATION

EXHIBIT-P7 THE TRUE COPY OF THE JUDGEMENT

DATED 20.12.2022 EXHIBIT-P8 TRUE COPY OF THE COMMUNICATION DATED 16.01.2023 ISSUED BY THE OFFICE OF THE 2ND SAID COMMUNICATION RESPONDENTS EXHIBITS : NIL //TRUE COPY// PA TO JUDGE

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