

Jayakrishnan. S, vs State of Kerala

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Court : Kerala

Decided On : Jun-21-2022

Judge : Honourable Mr. Justice Devan Ramachandran

Appeal No. : WP(C)/1431/2021

Appellant : Jayakrishnan. S,

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN TUESDAY, THE 21ST DAY OF JUNE 2022 / 31ST JYAISHTA, 1944 WP(C) NO. 1431 OF 2021 PETITIONER: JAYAKRISHNAN. S, AGED 44 YEARS S/O.SIVASANKARAN KUTTY, OFFICE ATTENDANT, S.N. POLYTECHNIC COLLEGE, KOTTAYAM PO, KOLLAM RESIDING AT SANTHI BHAWAN, PALATHARA, THATTAMALA P.O., KOLLAM 691 020 BY ADVS. U.BALAGANGADHARAN SRI.R.PRADEEP KUMAR SRI.P.A.REJIMON RESPONDENTS: 1 STATE OF KERALA, REP.BY ITS SECRETARY, TECHNICAL EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM 695 001 2 THE DIRECTOR

OF TECHNICAL EDUCATION DEPARTMENT PADMAVILASAM ROAD,
PAZHAVANGADI, THIRUVANANTHAPURAM 695 023

3 SREE NARAYANA POLYTECHNIC COLLEGE REP.BY ITS
PRINCIPAL, KOTTIYAM PO, KOLLAM 691 571 4 THE CHAIRMAN,
GOVERNING BODY, SREE NARAYANA POLYTECHNIC COLLEGE
KOTTIYAM, KOLLAM 691 571 5 VISHNU K.S., TRADESMAN IN
MECHANICAL, SREE NARAYANA POLYTECHNIC COLLEGE
KOTTIYAM, KOLLAM 691 571 BY ADVS. SRI.A.N.RAJAN BABU
SRI.ARUN BABU SMT RESMI THOMAS-GP THIS WRIT PETITION
(CIVIL) HAVING COME UP FOR ADMISSION ON 21.06.2022, ALONG
WITH WP(C).4754/2021, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN
RAMACHANDRAN TUESDAY, THE 21ST DAY OF JUNE 2022 / 31ST
JYAISHTA, 1944 WP(C) NO. 4754 OF 2021 PETITIONER: VISHNU
.K.S, AGED 31 YEARS, S/O.KRISHNANKUTTY, PATOOR VEEDU,
PERUMPUZHA, KOLLAM, NOW WORKING AS TRADE INSTRUCTOR
GRADE II, SREE NARAYANA POLY TECHNIC COLLEGE,
KOTTAYAM, KOLLAM-691 571. BY ADV ARUN BABU
RESPONDENTS: 1 THE DIRECTOR OF TECHNICAL EDUCATION
DEPARTMENT PADMAVILASAM ROAD, PAZHAVANGADI,
THIRUVANANTHAPURAM-695 023. 2 SREE NARAYANA POLY
TECHNIC COLLEGE, REPRESENTED BY ITS PRINCIPAL, KOTTIYAM
P.O., KOLLAM-691 571. 3 THE CHAIRMAN, GOVERNING BODY,
SREE NARAYANA POLY TECHNIC COLLEGE, KOTTIYAM P.O.,
KOLLAM-691 571. *4 JAYAKRISHNAN.S, AGED 44 YEARS, S/O
SIVASANKARAN KUTTY, OFFICE ATTENDANT, S.N.POLYTECHNIC
COLLEGE, KOTTAYAM P.O, KOLLAM, RESIDING AT SANTHI
BHAWAN, PALATHARA, THATTAMAL P.O, KOLLAM - 691 020

(ADDL R4 IMPEADED AS PER ORDER IN I.A.NO.2/2021 DATED 21.06.2022) BY ADV S.ANJUSHA SMT.RESMI THOMAS - GP THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21.06.2022, ALONG WITH WP(C).1431/2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Among the afore two Writ Petitions, WP(C)No.1431/2021 has been filed by Sri.Jayakrishnan S., opposing the selection and appointment of Sri.Vishnu K.S. - who is the petitioner in WP(C)No.4754/2021 - as Trading Inspector, on the assertion that the latters qualification is unacceptable; and that he is better suited.

2. That said, WP(C)No.4754/2021 has been filed by the

aforementioned Sri.Vishnu K.S., seeking that his appointment be approved by the 1st respondent - Director of Technical Education. An interim order was issued in this case on 26.03.2021, directing the 1st respondent to take up the petitioners proposal for approval, after considering the issue of equivalency of his qualification, within the period mentioned therein.

3. Today, when this matter was called, Smt.Resmi

Thomas - learned Government Pleader, submitted that the qualification of Sri.Vishnu has been accepted and equivalency of his qualification ordered; thus that his appointment has been approved by the Director of Technical Education. She submitted that, therefore, WP(C)No.4754/2021 has become infructuous; while the contentions of Sri.Jayakrishnan in WP(C)No.1431/2021 have become incapable of consideration.

4. I must say that the afore submissions of the learned

Government Pleader appeals to me because, once the appointment of Sri.Vishnu K.S. has been approved through a valid order, then no further directions are required to be obtained by him in WP(C)No.4754/2021. As far as Sri.Jayakrishnan S. is concerned, he will be entitled to any relief only if he is able to successfully

challenge the new order issued by the Director of Technical Education appropriately. Resultantly, WP(C)No.4754/2021 is disposed of, recording the afore submissions of the learned Government Pleader; and WP(C)No.1431/2021 is dismissed, however, leaving full liberty to Sri.Jayakrishnan S. to challenge the orders of the Director of Technical Education approving the appointment of Sri.Vishnu K.S., in terms of law; for which purpose, all rival contentions are left open. Sd/- RR DEVAN RAMACHANDRAN JUDGE APPENDIX OF WP(C) 4754/2021 PETITIONER EXHIBITS

EXHIBIT P1 THE TRUE COPY OF THE APPOINTMENT ORDER

DATED 17.11.2017 ISSUED BY THE 3RD RESPONDENT. EXHIBIT P2 THE TRUE COPY OF THE ORDER DATED 17.12.2020 ISSUED BY THE 3RD RESPONDENT. EXHIBIT P3 THE TRUE COPY OF THE DIPLOMA CERTIFICATE BEARING NUMBER DCN 360973 IN THE NAME OF THE PETITIONER. EXHIBIT P4 THE TRUE COPY OF THE REPRESENTATION DATED 16.02.2021 ISSUED BY THE PETITIONER TO THE 1ST RESPONDENT BY REGISTERED POST. EXHIBIT P5 THE TRUE COPY OF THE LETTER DATED

23.12.2020 ISSUED BY THE SENIOR JOINT DIRECTOR, TECHNICAL EDUCATION DEPARTMENT TO THE 3RD RESPONDENT

APPENDIX OF WP(C) 1431/2021 PETITIONER EXHIBITS EXHIBIT P2 A TRUE COPY OF RELEVANT PAGE OF KERALA GAZETTE NOTIFICATION G.O.(P) NO.503/2012/H.EDN DATED 12.10.2012 EXHIBIT P3 A TRUE COPY OF PETITIONERS APPLICATION DATED 30.5.2019 TO THE 4TH RESPONDENT EXHIBIT P4 A TRUE COPY OF THE LETTER OF THE 3RD RESPONDENT DATED 3.6.2019 TO 4TH RESPONDENT EXHIBIT P5 A TRUE COPY OF ORDER NO.2/SNP/3252 DATED 4.9.2019 OF 4TH RESPONDENT EXHIBIT P6 A TRUE COPY OF 2ND RESPONDENT LETTER NO.DP5/14150/19/DDE DATED 31.10.2019 TO THE 3RD RESPONDENT EXHIBIT P7 A TRUE COPY OF PETITIONER'S APPLICATION DATED 9.10.2019 TO THE 2ND RESPONDENT EXHIBIT P8 A TRUE COPY OF 4TH RESPONDENT LETTER DATED 12.12.2019

TO THE 2ND RESPONDENT EXHIBIT P9 A TRUE COPY OF 3RD RESPONDENT LETTER NO.S2/SB/SNPC/2019-20/563 DATED 28.12.2019 TO THE 2ND RESPONDENT EXHIBIT P10 A TRUE COPY OF 2ND RESPONDENT LETTER DATED 23.1.2020 TO THE 4TH RESPONDENT

EXHIBIT P11 A TRUE COPY OF THE 4TH RESPONDENT ORDER

NO.2/SNP/416 DATED 17.12.2020 TO THE 5TH RESPONDENT EXHIBIT P12 A TRUE COPY OF THE ORDER DATED 23.12.2020 OF THE SECOND RESPONDENT. A TRUE COPY OF THE JUDGMENT REPORTED IN 2011 (2) KHC 948. Exhibit P13 A TRUE COPY OF THE JUDGMENT REPORTED IN 2003 KHC 160. Exhibit P14 A TRUE COPY OF THE ORDER DATED 29.04.2021 OF THE 2ND RESPONDENT. RESPONDENT EXHIBITS Exhibit R5 A THE TRUE COPY OF THE DIPLOMA CERTIFICATE BEARING NUMBER DCN 360973. Exhibit R5 B THE TRUE COPY OF THE EXPERIENCE CERTIFICATE ISSUED FROM GOVT. INDUSTRIAL TRAINING INSTITUTE. Exhibit R5 C THE TRUE COPY OF THE APPLICATION DATED 25.02.2020 SENT BY RATNAKUMARI TO THE OFFICE OF THE 2ND RESPONDENT. Exhibit R5 D THE TRUE COPY OF THE REPLY DATED 17.03.2020 ISSUED FROM THE OFFICE OF THE DIRECTOR, DEPARTMENT OF TECHNICAL EDUCATION.

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