

Vivek S.A. Vs. the Kerala Public Commission and ors.

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Court : Kerala

Decided On : Oct-09-2007

Reported in : 2007(3)KLJ582

Judge : K.S. Radhakrishnan and; M. Sasidharan Nambiar, JJ.

Acts : Kerala Vocational Higher Secondary Education State Service Rules, 2004 - Rule 5

Appeal No. : W.A. No. 595 of 2006

Appellant : Vivek S.A.

Respondent : The Kerala Public Commission and ors.

Advocate for Def. : George Kuruvilla, Adv.,; Alexander Thomas, SC and; Benny

Advocate for Pet/Ap. : K. Ramakumar, Adv.

Disposition : Appeal dismissed

Judgement :

K.S. Radhakrishnan, J.

1. Writ Petition was preferred by the appellant herein seeking a declaration that Rule 5 of the Rules for the Kerala Vocational Higher Secondary State Service 2004 prescribing 23 years as the minimum age limit for appointment to the post of

Vocational Teacher is illegal and unconstitutional and also for other consequential reliefs.

2. Kerala Public Service Commission published a notification inviting applications for the post of Vocational teacher in Textile Technology (Textile Weaving and Textile Dying and Printing). Petitioner also preferred an application pursuant to the above mentioned notification. However, his application was rejected by the Public Service Commission by its order dated 25-07-2005 on the ground that the petitioner did not satisfy the 23 years of age prescribed in the Special Rules and the notification, as on 1-1-2004. Aggrieved by the same petitioner has approached this court. Learned single Judge found no infirmity in the Rule and dismissed the writ petition against which this appeal has been preferred.

3. Government of Kerala in consultation with the Kerala Public Service Commission framed Special Rules for the Kerala Vocational Higher Secondary Education Subordinate Service and Kerala Vocational Higher Secondary Education State Service 2004. The posts of Vocational Teacher and Non Vocational Teacher are included in the Kerala Vocational Higher Educational Service. Age limit prescribed for the above post is that 'no person shall be eligible for appointment by direct recruitment if he has not completed 23 years of age and has completed 39 years on the first day of January in which the applications for appointment are invited.

4. Counsel for the petitioner submitted that fixation of age limit is arbitrary and unwarranted and there is no justification in not entertaining the application of the petitioner. Counter affidavit has been filed on behalf of the second respondent in the appeal stating that educational qualifications for each post are prescribed on the basis of job recruitments and the age qualification for the posts were also fixed after assessing the duration of each course included in the rules and the period of time required for the successful completion of the courses. Lower limit of age for a post is fixed to the minimum age of the candidate in completed years for acquiring the required qualifications in the education system. It is stated that the qualification presented for the post in Vocational Higher Secondary Education should be one acquired after a regular course of studies from a recognised University in Kerala. It

is stated that the Government have fixed the lower age limit of 23 years for appointment to the post of Vocational Teacher considering the facts and doing full justice to those who have acquired the qualification. Rule 5 of the Kerala Vocational Higher Secondary Education State Service Rules 2004 is extracted hereunder for easy reference.

5. Age Limit-No person shall be eligible for appointment by direct recruitment to the categories shown in column (1) of the table below if he has not completed the minimum age shown in column (2) or if has completed the maximum age shown in column (3) on the first day of January of the year in which the application for appointment are invited. Usual relaxation in upper age limit shall be allowed to candidates belonging to the Scheduled Castes/Scheduled Tribes and Other Backward Classed.

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