
(1970) 12 KL CK 0010
In the High Court Of Kerala
Case No : Writ Appeal No. 25 of 1969

K. Chandrasekharan Nair	Vs	APPELLANT
State of Kerala and Another		RESPONDENT

Date of Decision : 09-12-1970

Acts Referred:

Kerala State and Subordinate Services Rules, 1958 — Rule 28

Citation : AIR 1971 Ker 229 : (1971) KLJ 348

Hon'ble Judges : P.T. Raman Nair, C.J.; Mathew P. Muricken, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Raman Nayar, C.J.—We think the learned single Judge was right in dismissing the appellant's writ petition.

2. The use of the word, "list" In he expression "select list" in Rule 28 (b) (i) of Part II of the Kerala State and Subordinate Services Rules does not imply that there must necessarily be more than one name in the list. According to the instructions given in G. O. (P) No. 420 dated 29-12-1967, the select list is to contain as many names as there are vacancies estimated to arise in the course of the year. The appellant petitioner has no case that there was more than one anticipated vacancy, and hence there is thing to show that the Departmental Promotion Committee was not justified in preparing a list with only one name. The Committee found the 2nd respondent superior to the petitioner in merit and ability and as the learned single Judge has observed that is a finding amply supported by the materials. It considered and therefore rightly placed the 2nd respondent's name in the list in preference to the petitioner's. There being only one anticipated vacancy--or at least so it would seem--there could be no question of placing more than one name in the list and including that of the petitioner who also, it would appear, was thought suitable, so that his seniority in the lower grade could operate to his advantage in terms of the rule and place him above the 2nd respondent.

3. Appeal dismissed. No costs.