

(2014) 08 KL CK 0117
In the High Court Of Kerala
Case No : WP (C). No. 30967 of 2012 (U)

K. Sarada

APPELLANT

Vs

Kerala State Backward Class Development Corporation

RESPONDENT

Date of Decision : 18-08-2014

Acts Referred:

Citation : (2014) 08 KL CK 0117

Hon'ble Judges : A.K. Jayasankaran Nambiar, J

Bench : Single Bench

Advocate : V.V. Surendran and P.A. Harish, Advocate for the Appellant; V. Jayapradeep, SC, KSBCDC, Advocate for the Respondent

Judgement

A.K. Jayasankaran Nambiar, J.—Petitioner is a handicapped destitute lady who was appointed in the office of the 3rd respondent as a sweeper on being sponsored through the Employment Exchange. Admittedly, the appointment of the petitioner was on provisional basis as is evident from Ext. P1 appointment order issued to her. The petitioner approached this Court one day prior to the expiry of the 179 day limit that was prescribed in her appointment under Ext. P1 order. It is stated that in view of the fact that there was no interim order obtained from this Court permitting her to continue in the service of the 3rd respondent, her services were terminated on 21.12.2012. The prayer in the writ petition is essentially for a direction to the respondents to consider the petitioner for appointment on a regular basis to the post of contingent employee under the 3rd respondent. In the alternative, there is also a prayer for a direction to the respondents to treat the appointment of the petitioner as permanent in terms of Rule 5 of the Kerala Last Grade Service Rules.

2. The respondents have filed a counter affidavit, wherein, it is pointed out that the appointment of employees under the 3rd respondent Corporation is governed by the Kerala State Backward Classes Development Corporation Limited, Service Special Rules, 1996. Thereunder, the method of appointment to the post of contingent employee is shown as through direct recruitment and the qualification

prescribed is literacy in Malayalam, Tamil or Kannada. The Special Rules also indicate that the age limit for appointment as a contingent employee under the respondent Corporation is 35 years and the said age limit is subject to the usual relaxation that is admissible to candidates belonging to Schedules Castes, Scheduled Tribes and Other Backward Classes for direct recruitment as under Government Services. In the light of the Special Rules prevailing in the respondent Corporation, as disclosed by the counter affidavit filed by the respondent Corporation, I do not think that any relief can be granted to the petitioner in the present writ petition. Even if the method of appointment to the post of contingent employee under the respondent Corporation is by direct recruitment from Employment Exchange hands, the mere fact that the petitioner was once registered under the Employment Exchange will not come to her aid, since, admittedly, at the time of filing the writ petition, the petitioner was 53 years of age and thus beyond the maximum age limit prescribed under the Rules for appointment to the post in question. In this view of the matter, without considering any of the other claims projected by the petitioner in the writ petition, this writ petition is dismissed, but without any order as to costs.