
(2010) 11 KL CK 0038

In the High Court Of Kerala

Case No : Writ Petition (C) . No. 11542 of 2010 (P)

K.P. Ravikumar

APPELLANT

Vs

State of Kerala and The Director

RESPONDENT

Date of Decision : 10-11-2010

Acts Referred:

Kerala State and Subordinate Services Rules, 1958 — Rule 39

Citation : (2010) 11 KL CK 0038

Hon'ble Judges : K.T. Sankaran, J

Bench : Single Bench

Advocate : C. Unnikrishnan Kollam, for the Appellant;

Judgement

K.T. Sankaran, J.—The petitioner submitted Ext.P1 representation before the Government, praying for the following reliefs:

Hence it is humbly prayed that the Government may be pleased to:

- i) Regularise me in Service by considering my 15 years service.
- ii) Exempt me, considering my qualification of Diploma in Printing Technology from Govt. Institute, Shornur and 15 years teaching experience, from the qualification of Degree in Printing Technology prescribed in the Special Rules by invoking power under Rule 39 of KS & SSR so as to make me eligible to be considered for permanent appointment in the post of Vocational teacher in Printing Technology.
- iii) In the alternative amend the Special Rules by including Diploma in Printing Technology plus 5 years teaching experience in the similar field as an alternate qualification to the post of vocational teacher in Printing Technology in the Special Rules.

2. It is stated that the petitioner worked as Vocational Teacher in Printing Technology for 15 years at Government VHSS, Maneed, Piravom and at Government VHSS Maradu. The qualification of the petitioner is 3 years Diploma

in Printing Technology from the Institute of Printing Technology, Shornur, conducted by the Government of Kerala. He was included in the subject expert group to prepare Teachers' source book in Printing Technology for 1st year and 2nd year class for Vocational Higher Secondary Schools. In 2004, Special Rules for Kerala Vocational Higher Secondary State Service were introduced. As per the Special Rules, the qualification prescribed for Vocational Teacher in Printing Technology is Degree in Printing Technology. It is stated that till 2000, no University in Kerala was offering the Degree course in Printing Technology and the only course available in Printing Technology in the State was the Diploma course in Printing Technology conducted by the Government Institute of Printing Technology, Shornur. The Public Service Commission invited applications in 2004 for the post of Vocational Teacher in Printing Technology. The qualification was Degree in Printing Technology. In Ext.P1, the petitioner states that he was aged 41 years and was an over aged candidate to apply again to the post. It was also pointed out that he had 15 years experience. The petitioner also points out that the qualification prescribed by the UPSC for the post of Lecturer in Printing Technology in Government Polytechnics is Degree or equivalent and Diploma in Printing Technology and allied trades along with 5 years experience. It is pointed out that the pay scale thereof is more than the pay for the Vocational Teacher. The petitioner also points out that in similar circumstances, as per GO(RT)No.5317/05/GE dated 14.11.2005 (Ext.P2) exemption was granted by the Government to another person, invoking Rule 39 of the General Rules of Kerala State and Subordinate Service Rules. A similar relief is sought for in Ext.P1.

3. Though several reliefs are prayed for in the Writ Petition, the learned counsel for the petitioner submitted that for the time being, the petitioner would be satisfied, if a direction is issued to the first respondent to dispose of Ext.P1 representation expeditiously. Accordingly, the Writ petition is disposed of directing the first respondent to consider and dispose of Ext.P1 representation dated 8.8.2008 submitted by the petitioner as expeditiously as possible, and at any rate within a period of three months from the date of receipt of a copy of the judgment, after affording an opportunity of being heard to the petitioner. The petitioner shall produce a copy of the Writ Petition and certified copy of the judgment before the first respondent.