

(1999) 08 KL CK 0035
In the High Court Of Kerala
Case No : O.P. No. 10747 of 1996

Raveendran and Ors

APPELLANT

Vs

Guruvayoor Devaswom

RESPONDENT

Date of Decision : 03-08-1999

Acts Referred:

Guruvayur Devaswom Regulations, 1983 — Regulation 5(a)

Citation : (2000) 1 KLJ 45

Hon'ble Judges : S. Sankarasubban, J;AR. Lakshmanan, J

Bench : Division Bench

Advocate : K. Ramakumar, for the Appellant; K. Radhakrishnan and Guruvayoor Devaswom for SC, for the Respondent

Final Decision : Dismissed

Judgement

AR. Lakshmanan

1. Heard Mr. K. Ramakumar and Mr. K. Radhakrishnan for the respective parties. The petitioners' case is that they are casual employees working under the Guruvayur Devaswom in the Electrical and Water Sections and that they have been working continuously from 1992/1993 onwards on daily wages. It is submitted that the respondent Devaswom, in spite of several representations submitted by the petitioners, have not regularised their service in the Devaswom as helpers. According to them, they are fully qualified for the same. The writ petition was filed for a mandamus forbearing the respondents from regularising persons other than the petitioners in the 15 vacancies in the post of helper under the 3rd respondent. Other consequential reliefs are also sought for. During the pendency of the writ petition the petitioners were permitted to participate in the written test and interview if they passed the written test. The Guruvayur Devaswom was directed to strictly follow the qualifications prescribed and to appoint only fit and proper persons to the posts in question. It was contended by the Devaswom that the question of regularisation does not arise at this stage. The petitioners have also contended that the Devaswom has no right to insist on

production of National Trade Certificate in the trade "Wireman" issued by the Government and the candidates belonging to Scheduled Caste will not be in a position to produce the same at the time of interview. This contention was not countenanced by this court and, after referring to clause 2 of the notification dealing with the post of Helper (General Workmen), this court noted that as per the note to the said clause, candidates belonging to Scheduled Castes/Tribes would not be insisted upon production of the certificate as mentioned in Clause 2 and that they will be given training for six months after their appointment. Pursuant to our direction in C.M.P. No. 19149 of 1997, the petitioners participated in the written test. Thereafter, again they filed another writ petition, O.P. No. T3029 of 1998 seeking a declaration that the written test held on 29-5-1998 was illegal and arbitrary as a higher standard is prescribed for the post of helper. In that petition, counsel for the Guruvayur Devaswom submitted that the examination had already been conducted and the Devaswom was preparing the ranked list. It was also submitted that the petitioners and others would be called for interview if they passed the written test. The writ petition was disposed by this court by judgment dated 29th July, 1998. This court after referring to the earlier order in C.M.P. No. 19149 of 1997, held that the petitioners having availed the benefit of the said order and having appeared for the written test, cannot turn round and say that the question paper is of a high standard and, therefore, the written test held on 29-5-1998 was illegal and arbitrary.

2. When the present petition came up for argument, the very same argument was advanced by learned counsel for the petitioners. We are unable to accept any of the contentions raised by counsel for the petitioner. It is not in dispute that the petitioners are only casual labourers, who have no right for regularisation. They are now seeking a mandamus to forebear the respondents from regularising persons other than the petitioners in the vacancies of helpers under the Devaswom Administration; and a further mandamus directing the respondents to regularise the petitioners in the post of helpers on the ground that they are fully qualified for the same.

3. Counsel for the Guruvayur Devaswom drew our attention to the Guruvayur Devaswom Regulations, 1983. Categories of posts are prescribed therein as also the method of appointment. The post of "Helper" is category No. 8 and as per Regln.5(a), appointment to the said post shall be made by direct recruitment after due publication of notice inviting applications. Eligible persons are to be called for written test or interview or both and selection is to be made on the basis of merit. In the case of temporary posts, as and when required, under Regulation 5(c) the Managing Committee shall decide the method of appointment. It is submitted that the petitioners were temporarily appointed without looking into their qualifications and that for the only reason that they have been working continuously, they shall not be permitted to over-reach the law. It is submitted further that the requirement of direct recruitment under Regulation 5 cannot be substituted by humane consideration.

4. We are in agreement with the learned counsel for the Devaswom. The petitioners, who were appointed on daily wages to meet the temporary requirement, without looking into the qualifications possessed by them, are not, in our opinion, entitled to regularised on the ground that they have been working from 1992 onwards on daily wages. They were not appointed after going through the process of selection as prescribed by the Regulations and, therefore, they have no right for getting regularised in the posts in question. There is no merit in the Writ Petition and the same is accordingly dismissed.