
(2010) 12 KL CK 0099

In the High Court Of Kerala

Case No : Writ Petition (C) No. 16914 of 2003 (L)

Ravi N.C.

APPELLANT

Vs

Kerala Agrl. University

RESPONDENT

Date of Decision : 01-12-2010

Acts Referred:

Citation : (2010) 12 KL CK 0099

Hon'ble Judges : S. Siri Jagan, J

Bench : Single Bench

Advocate : V. Rajendran, for the Appellant; N.D. Premachandran, SC, Agrl. Unty., for the Respondent

Judgement

S. Siri Jagan, J.—After an elaborate selection process consisting of a physical test, interview and work experience test conducted by the Kerala Agricultural University, the Petitioners were included in rank lists published for the purpose of appointment as daily labourers in the farms of the University in Vengoor, Rayamangalam, Kottappady, Mudakkuzha adjacent to Asamannoor, Panchayats. The University prepared two separate lists for men and women.

The Petitioners 1 to 4 were placed as rank Nos. 2 to 5 in the rank list relating to men and the Petitioners 5 to 8 were placed as rank Nos. 1 to 4 in the rank list for women. None have been appointed pursuant to the said selection. It is under the above circumstances the Petitioners have filed this writ petition seeking the following reliefs:

i. issue a writ of mandamus or any other appropriate writ, order or direction directing the Respondents to engage workers in the 2nd Respondent Centre from among persons in the rank list published by the 2nd Respondent.

2. A counter affidavit has been filed by the University wherein the facts are admitted. But the plea is that nobody could be appointed from the rank list because of the financial difficulties. In the same, it is stated that as and when the permanent labour strength in the farm under the University is refixed the

University will take steps to engage persons included in the select list of casual labourers if found necessary. That counter affidavit is filed as early as on 22.07.2003. The Petitioners submit that, Petitioners have not been engaged so far inspite of the said assurance. According to them, going by Ext.P7, vacancies are there for engagement of permanent labourers. It is also brought to my notice that by a notice dated 15.07.2010 the University had invited applications for preparing a select list for temporary employees in the Odakkali Aromatic and Medicinal Plants Research Station which is contrary to the assurance given in the counter affidavit.

3. I have considered the rival contentions in detail.

4. Admittedly the Petitioners have been included in the rank lists and none have been appointed from the rank lists. Going by the notification No. A/1328/2010 dated 15.07.2010, the Professor and Head of the Department of the Aromatic and Medicinal Plants Research Station, Odakkali, has invited applications for preparing a select list for employing temporary employees in the station. That means, they are acting in violation of the assurance given in the counter affidavit. In the above circumstances, the writ petition is disposed of with a direction that no temporary/permanent labourers shall be engaged by the University in any of its Research Stations or Farms without first offering employment to the persons included in Exts.P5 and P6.