

(2001) 06 KL CK 0045
In the High Court Of Kerala
Case No : O.P. No. 7610 of 1994

Sadanandan

APPELLANT

Vs

University of Calicut

RESPONDENT

Date of Decision : 27-06-2001

Acts Referred:

Citation : (2000) 87 FLR 251

Hon'ble Judges : J.B. Koshy, J

Bench : Single Bench

Advocate : Sumathi Dandapani, for the Appellant; P.C. Sasidharan and Philip Antony Chacko, for the Respondent

Final Decision : Dismissed

Judgement

J.B. Koshy, J.—Petitioner was a pump operator under the first respondent University. He failed in the SSLC examination. He passed National Trade Certificate in Fitter trade. He claims promotion to the post of Overseer (Pumping). Qualification prescribed for promotion to the post of Overseer (Pumping) is defined in Ext. P4. It is as follows:

"As prescribed for Overseer/Draftsman First Grade (Electrical or Mechanical) in Government service provided experience as Second Grade Draftsman where in occurs would mean service as Pump Operator."

The qualification fixed for Overseer is as follows:

"a) General qualification of SSLC standard.

b) Diploma in Electrical Engineering after three years course of study awarded by D.T.E. or equivalent Diploma in Electrical Engineering after undergoing two years from institution recognised by Government and a service of not less than two years as Pump Operator; OR

M.G.T.E. or K.G.T.E. certificate in Electrical Engineering four subjects, viz. Electrical Light and Power (Higher): OR

N.T.C. issued under the Craftsman Training Scheme after 18 months course from ITI in trade of Electrician followed by six months in plant training and a service of not less than two years as Pump Operator.

The case of the respondent was that petitioner has no general education qualification of SSLC standard and he has not technical qualification. Certificate produced by him is not equivalent to the qualification prescribed for promotion. First question is whether petitioner is having minimum general educational qualification of SSLC standard. Admittedly, petitioner failed in the SSLC examination.

2. Petitioner relied on the decision of the Supreme Court in *Sebastian v. State of Kerala* (ILR 1981 1 Ker 536). Petitioner, in that case, completed S.S.L.C. course and obtained hall ticket. But, was not able to write the examination. Qualification fixed was S.S.L.C. completed. The learned Judge held that since the word "passed" or "failed" is not specifically mentioned, it is enough that one completes the course and when he obtains hall ticket, necessarily he can be deemed to have completed the course.

3. Here, prescription of qualification is different. The wording "S.S.L.C. standard" does not mean that it is enough that one has studied up to tenth standard. He must have the standard of S.S.L.C. that is, a pass in S.S.L.C. That is the minimum qualification. Considering the technical qualification also, admittedly, petitioner is not qualified. Therefore, petitioner was not promoted, I see no infirmity in the decision of the respondent.

4. The Original Petition is dismissed.