
(2015) 01 KL CK 0006
In the High Court Of Kerala
Case No : O.P. (KAT) No. 421 of 2014

Shine Bose B. and Others

APPELLANT

Vs

Kerala Public Service Commission and Others

RESPONDENT

Date of Decision : 12-01-2015

Acts Referred:

Constitution of India, 1950 — Article 227

Citation : (2015) 1 KHC 354 : (2015) 1 KLJ 547 : (2015) 1 KLT 591

Hon'ble Judges : K. Harilal, J.; T.B. Radhakrishnan, J.

Bench : Division Bench

Advocate : K.P. Rajeevan, for the Appellant; P.C. Sasidharan, Bechu Kurian Thomas, SCs and T. Ramaprasad Unni, Senior Government Pleader, Advocates for the Respondent

Final Decision : Dismissed

Judgement

T.B. Radhakrishnan, J.—Heard the learned counsel for the petitioners, the learned Standing Counsel for the Kerala Public Service Commission and the learned Senior Government Pleader. The petitioners applied for being considered for recruitment to the post of Vocational Teacher in Office Secretaryship, in terms of a PSC Notification dated 30/11/2009. That is a teaching post. Petitioners possessed two among the three mandatory qualifications. As regards the requirement of M.Com. Degree, the question raised is as to whether the petitioners who had obtained M.Com. Degree under a correspondence course from Annamalai University are entitled to have that qualification treated as equivalent to the qualification of M.Com. Degree of the University of Kerala, for the purpose of that post. Note 1 under Rule 4 of the Kerala Vocational Higher Secondary Education Subordinate Service Rules, 2004, which are statutory rules in terms of the provisions of the Constitution of India and the Kerala Public Services Act, 1968, specifically provides as follows:

"All the educational qualifications for teaching posts should be one acquired after a regular course of study from a recognised University in Kerala or recognised as

equivalent thereto by any one of the Universities in Kerala." 2. The learned counsel for the petitioners argued that once the equivalence of the qualification is certified by the University of Kerala, the M.Com. Degree of the Annamalai University ought to have been treated as equivalent to the M.Com. Degree of the University of Kerala. But, the fact of the matter remains that the aforequoted Note under Rule 4 of the Special Rules provides that the qualification should be one acquired after a regular course of study. Remember, we are dealing with recruitment to a teaching post. If we are to dissect the aforequoted rule and hold that a correspondence course from any other University will be equivalent to a degree obtained after a regular course of study from a University in Kerala, the situation will be contradictory. We say so because, if we adopt such a view, while a candidate qualifying from a University in Kerala should be one who had undergone a regular course of study, a candidate who obtains a degree from any University outside Kerala would be eligible without undergoing a regular course of study. It would be fallacious if we were to hold so. The very purpose of having the prescription that one should have acquired the educational qualification after a regular course of study is consciously made by the Government in the Special Rules, having regard to the objects sought to be achieved; that is to say, to pick up competent hands to man the teaching posts. In the aforesaid view of the matter, we do not find any error of jurisdiction, legal infirmity or perversity in the reasoning of the learned Tribunal in interpreting the relevant rules. Hence, we see no ground to interfere with the impugned decision of the Tribunal which holds that insofar as teaching posts are concerned the candidate should have obtained the M.Com. Degree after undergoing a regular course of study. The original petition filed under Article 227 of the Constitution of India, therefore, fails.

In the result, this original petition is dismissed.