

(2011) 03 KL CK 0277

High Court Of Kerala

Case No: Writ Petition (C) No. 36991 of 2010 (Y)

Sashi M.

APPELLANT

Vs

The Director

RESPONDENT

Date of Decision: March 21, 2011

Hon'ble Judges: T.R. Ramachandran Nair, J

Bench: Single Bench

Advocate: M.V. Amaresan, for the Appellant; M. Saseendran, SC, for the Respondent

Final Decision: Dismissed

Judgement

T.R. Ramachandran Nair, J.

The Petitioner is working as High School Assistant (Physical Science) in the Government Higher Secondary School, Madikai. According to the Petitioner, he is having the prescribed qualification for the post of Higher Secondary School Teacher in Computer Science. The Petitioner had acquired M Sc Computer Science through distance education from the Annamalai University.

2. The prayer in the writ petition is for a direction to the Respondent to allow Ext.P3 and extend time to produce equivalency certificate as directed in Ext.P1.

3. Ext.P1 is the draft state wise seniority list of qualified departmental teachers for appointment by transfer to the post of HSST. The Petitioner's name is included as No. 1 in the said list and against his name, the Respondent has directed to produce the equivalency certificate and P.G. Mark list.

4. It is the case of the Petitioner that even though he approached the Kannur University, so far the equivalency certificate has not been issued and it is in these circumstances, the Petitioner has filed this writ petition. The Kannur University has been impleaded as additional 2nd Respondent.

5. Learned Standing Counsel for the University submitted that the Petitioner had filed an earlier writ petition namely, W.P.(C) No. 38617/2010. By Ext.P3

communication produced therein, the University had directed the Petitioner to produce a certificate from the Annamalai University to the effect that the contact programme and the examination of the course pursued by him was conducted within the territorial jurisdiction of the University, as per the rules of Distance Education Council/UGC, along with the scheme and syllabus of the Lateral Entry Course, duly attested by the Registrar of the said University. This was under challenge in the above writ petition. This Court found that there is no merit in the challenge against Ext.P3. It was made clear in the judgment that it will be open to the Petitioner to produce the certificate mentioned in Ext.P3 and that, on production of the same, the 1st Respondent University will consider the application made by the Petitioner for equivalency certificate and pass orders thereon without any further delay.

6. It is the submission of the learned Standing Counsel for the University that thereafter the Petitioner has not produced any certificate as directed by this Court and therefore, the University is unable to take any action on his application.

7. Learned Counsel for the Petitioner submitted that there is no improvement in the situation and the Petitioner could not procure any certificate. Learned Government Pleader submitted that the list has already been finalised during the pendency of the writ petition on 21.12.2010.

In that view of the matter, this Court will not be justified in granting further period of extension of time to the Petitioner. If the Petitioner is able to procure the certificate, he can produce it before the University for appropriate action for getting any benefit on a future occasion.

With the above observation, this writ petition is dismissed.