



2024:KER:90184

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WP(C) NO. 11167 OF 2024

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT**

**THE HONOURABLE MR.JUSTICE MURALI PURUSHOTHAMAN**

**FRIDAY, THE 29<sup>TH</sup> DAY OF NOVEMBER 2024 / 8TH AGRAHAYANA, 1946**

**WP(C) NO. 11167 OF 2024**

**PETITIONER/S:**

**MUHAMMED ANFAL K.M  
AGED 19 YEARS  
S/O. LATE AHAMMED KABEER K.M, KOTTATHARA  
MULLASSERIYAKATH, B.P ANGADI P.O, TIRUR, PIN -  
676102**

**BY ADV C.K.SHERIN**

**RESPONDENTS:**

- 1 THE STATE OF KERALA  
REPRESENTED BY SECRETARY TO THE GOVERNMENT,  
HIGHER EDUCATION DEPARTMENT GOVT. SECRETARIAT,  
THIRUVANANTHAPURAM, PIN - 695001**
- 2 THE DIRECTOR OF TECHNICAL EDUCATION  
PADMAVILASAM STREET, FORT P.O,  
THIRUVANANTHAPURAM, PIN - 695023**
- 3 THE JOINT DIRECTOR OF TECHNICAL EDUCATION  
REGIONAL DIRECTORATE OF TECHNICAL EDUCATION,  
KOZHIKODE, PIN - 673001**
- 4 PRINCIPAL  
SEETHI SAHID MEMORIAL POLYTECHNIC COLLEGE, TIRUR,  
MALAPPURAM, PIN - 676105**



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**ADDL.R5 CHAIRMAN,  
GOVERNING BODY, SEETHI SAHID MEMORIAL  
POLYTECHNIC COLLEGE, TIRUR, MALAPPURAM- 676105  
[ADDL.R5 IS IMPEADED AS PER ORDER DATED  
08.08.2024 IN I.A-2/2024 IN WP(C) 11167/2024]**

**ADDL.R6 NAFSAL P  
S/O. LATE POCKER P, PULLANIKKATT HOUSE,  
THEKKUMURI P.O, PIN-676105**

**ADDL.R7 SHAFATH AHAMMED K  
S/O. ABDUL MAJEED, KAPPAN HOUSE, KANNAMANGALAM  
P.O, VENGARA, MALAPPURAM [ADDL.R6 & ADDL.R7 ARE  
IMPEADED AS PER ORDER DATED 05.09.2024 IN  
I.A.3/2024 IN WP(C)11167/2024].**

**BY ADV C.Y. VINOD KUMAR  
BY SR.G.P. SRI.BIMAL K. NATH.**

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
29.11.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



## **JUDGMENT**

The petitioner's father while working as Trade Instructor-Electrical Engineering Section in SSM Polytechnic College, Tirur, died on 29.11.2020. The petitioner is the eldest son and has passed SSLC and ITI (diesel mechanic) one year training course. He submitted Ext.P5 application dated 01.10.2023 before the 4<sup>th</sup> respondent, the Principal of the Institute for employment under compassionate Scheme. The Principal forwarded the application to the 3<sup>rd</sup> respondent, the Joint Director of Technical Education. The 3<sup>rd</sup> respondent issued Ext.P8 communication stating that two applications for compassionate appointment are pending and his request could be considered only thereafter. The petitioner contends that he is entitled to



get appointment as per Ext.P9 Government Order dated 17.02.2020. Highlighting grievance, the petitioner submitted Ext.P10 representation dated 28.02.2024 before the 1<sup>st</sup> respondent and requesting for an expeditious disposal of his application for compassionate appointment. Since no steps were taken for appointing the petitioner, he has filed this writ petition seeking the following reliefs:-

- i. Call for the records, leading to the issuance of Ext P8 communication and set aside the same by the issue of a writ of certiorari or other appropriate writ, order or direction;
- ii. issue a writ of mandamus or other appropriate writ, order or direction directing, the respondents to appoint the petitioner in any of the vacancies;
- iii. direct the 1<sup>st</sup> respondent to consider Ext P10 representation along with Ext P5 application forthwith;
- iv. declare that the petitioner is eligible for getting



the employment assistance as per Ext.P9  
Government Order.

v. to dispense with the filing of translation of all  
vernacular documents;

2. By order dated 05.09.2024, this Court directed the 2<sup>nd</sup> respondent, the Director of Technical Education to forward Ext.P5 application of the petitioner to the 1<sup>st</sup> respondent expeditiously, at any rate, within a period of one month from the date of receipt of a copy of the order.

3. The learned Government Pleader, on instructions, submits that the 2<sup>nd</sup> respondent had already forwarded Ext.P5 application to the 1<sup>st</sup> respondent and it is pending consideration before the 1<sup>st</sup> respondent.

Accordingly, there will be a direction to the 1<sup>st</sup> respondent to consider Ext.P5 application of the petitioner in accordance with law and as expeditiously as



possible, at any rate, within a period of two months from the date of receipt of a copy of this judgment after hearing the petitioner and respondents 4 and 5. The petitioner shall produce a copy of the writ petition, counter affidavit and the reply affidavit before the 1<sup>st</sup> respondent, along with a certified copy of this Judgment.

The writ petition is disposed of.

**Sd/-**

**MURALI PURUSHOTHAMAN  
JUDGE**

al/-

**APPENDIX OF WP(C) 11167/2024****PETITIONER EXHIBITS**

- Exhibit P1**      **A TRUE COPY OF THE DEATH CERTIFICATE DATED 24.12.2020 ISSUED BY THE THALAKKAD GRAMA PANCHAYATH**
- Exhibit P2**      **A TRUE COPY OF THE LEGAL HEIRSHIP CERTIFICATE DATED 23.04.2021 ISSUED BY THE TALUK OFFICER TIRUR**
- Exhibit P3**      **TRUE COPY OF THE SSLC CERTIFICATE OF THE PETITIONER**
- Exhibit P4**      **A TRUE COPY OF THE CERTIFICATE SHOWING THE RESULT DATE 19.08.2023 IN ITI (CRAFTSMAN TRAINING SCHEME)**
- Exhibit P5**      **A TRUE COPY OF THE APPLICATION FORWARDED BY THE PRINCIPAL DATED 01.10.2023**
- Exhibit P6**      **TRUE COPY OF THE CONSENT LETTER DATED 01.12.2023 SUBMITTED BY THE PETITIONER TO THE VILLAGE OFFICER**
- Exhibit P7**      **A TRUE COPY OF THE INCOME CERTIFICATE DATED 19.09.2023 ISSUED BY THE THALAKKAD VILLAGE OFFICER**
- Exhibit P8**      **A TRUE COPY OF THE COMMUNICATION DATED 09.02.2024 OF THE 3RD RESPONDENT ALONG WITH THE REPORT OF THE CHAIRMAN, ADMINISTRATIVE COMMITTEE**
- Exhibit P9**      **A TRUE COPY OF THE GO(P) NO. 10/2020/H.EDN DATED 17.02.2020**



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**Exhibit P10      TRUE COPY OF THE REPRESENTATION DATED  
28.02.2024**

**RESPONDENT EXHIBITS**

**Exhibit R4(a)      Copy of the Order dated 01/09/15 issued by the 3rd  
respondent**

**Exhibit R4(b)      Copy of the Order dated 07/06/16 issued by the 3rd  
respondent**

**Exhibit R4(c)      Copy of the G.O. (Ms)No.317/2011/H.Edn Dept. dated  
26/11/2011 issued by the Govt. of Kerala**

**Exhibit R4(d)      Copy of the G.O. (Ms)No.274/2013/H.Edn Dept. dated  
14/06/2013 issued by the Govt. of Kerala**

**PETITIONER EXHIBITS**

**Exhibit P11      True copy of the application submitted by Mohamed  
Naseem C.K**

**Exhibit P12      True copy of the application dated 06.02.2016  
submitted by Sharafudeen**

**Exhibit P13      True copy of the GO(P) No. 12/99/P and ARD dated  
24.05.1999**

**Exhibit P14      True copy of the application submitted by the Nafsai P**

**Exhibit P15      True copy of the application submitted by Shafath  
Ahammed**

**Exhibit P16      A true copy of the application dated 18.02.2024**

**Exhibit P17      A true copy of the reply dated 01.04.2024 issued by the  
public information officer of the 4th respondent.**