

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

MONDAY, THE 23RD JANUARY 2007 / 3RD MAGHA, 1928

WP(C).No. 2634 of 2007(L)

PETITIONERS:

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1. NIRMALA DEVI, ARUVIPURATH,  
MANIMALA VILLAGE, KOLLAYAM,  
SCAVENGING WORKER, DISTRICT HOSPITAL,  
KOTTAYAM.
  2. JOHN.P.V.,  
POTTANPLACKAL, ANICKAD WEST,  
KOTTAYAM, SCAVENGING WORKER,  
DISTRICT HOSPITAL, KOTTAYAM.

BY ADV. SRI.K.GOPALAKRISHNA KURUP  
SRI.S.MANU

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED  
BY THE SECRETARY, HEALTH AND FAMILY WELFARE  
DEPARTMENT, GOVERNMENT SECRETARIAT,  
THIRUVANANTHAPURAM.
  2. THE DISTRICT MEDICAL OFFICER,  
KOTTAYAM, OFFICE OF THE D.M.O.,  
COLLECTORATE, KOTTAYAM.
  3. THE SUPERINTENDENT,  
DISTRICT HOSPITAL, KOTTAYAM.

BY GOVT. PLEADER SHRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 23/01/2007, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

**K.K.DENESAN, J.**

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**WP(C)No. 2634 OF 2007**  
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**Dated this the 23rd January, 2007.**

**JUDGMENT**

Heard both sides.

2. The petitioners who are working as Scavengers in the District Hospital, Kottayam since 2002, apprehend that they will not be considered for selection to regular vacancies in the same posts for the reason that they are now working in the establishment on daily wages. The stand taken by the respondents in a similar writ petition was that appointments can be made only from the list of candidates forwarded by the Employment Exchange and since these petitioners are already employed, their names cannot be included in the list to be furnished by the Employment Exchange. After considering the above contention also, this Court in the judgment dated 20.11.2003 in W.PC)No: 35446/2003(Ext.P4), directed that as and when respondents consider steps for the regular selection of part-time workers as Scavenging Workers, the petitioners therein, who had registered their names in the Employment Exchange, will also be entitled to participate in the selection.

3. The petitioners are similarly situated like the petitioners in Ext.P4. It is submitted that they had registered their names in the Employment Exchange. If that

is so, the petitioners also will be entitled to the benefit granted to the petitioners in Ext.P4 judgment. It is hereby ordered that the petitioners shall be permitted to participate along with other candidates sponsored by the Employment Exchange provided they have got registration through Employment Exchange. Writ petition is disposed of accordingly.

**K.K.DENESAN**  
**Judge**

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