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BEENA R.

v.

KERALA PUBLIC SERVICE COMMISSION & ORS.

(Civil Appeal Nos. 9843-9844 of 2017)

B

JULY 28, 2017

**[KURIAN JOSEPH AND R. BANUMATHI, JJ.]**

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*Service Law – Appointment – Of lower division typist – Qualification included lower grade certificate in KGTE Typewriting and computer word processing – Objection taken against the appellant that the qualification ‘computer word processing’ was acquired after the last date of notification – Held: Note 1 of qualification lays down that those who have passed KGTE Typewriting before January, 2002, should ‘produce’ separate certificate for computer word processing – Word ‘produce’ is used only at the time of verification of the records or at the time of written examination or at the time of appointment – Appellant had ‘produced’ the certificate prior to the written examination – Therefore, appellant to be appointed in accordance with her position in the rank list.*

E

CIVIL APPELLATE JURISDICTION : Civil Appeal Nos. 9843-9844 of 2017.

From the Judgment and Order dated 03.12.2014 in O. P. (KAT) No. 117 of 2014 and Order dated 09.02.2015 in R. P. No. 10 of 2015 of the High Court of Kerala at Ernakulam.

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Abhilash M. R., Ranjan Kumar, Advs. for the Appellant.

Vipin Nair, P. B. Suresh, Abhay Pratap Singh, Advs. for the Respondents.

The Judgment of the Court was delivered by

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**KURIAN, J. 1.** Leave granted.

2. The qualification for appointment of Lower Division Typist is prescribed in the Notification, which reads as follows :-

*“7. Qualifications :*

*1. S.S.L.C. or its equivalent qualification.*

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2. Lower Grade Certificate in KGTE Malayalam Typewriting. A

3. Lower Grade Certificate in KGTE English Typewriting and Computer Word Processing or its equivalent (G.O.(P) No.17/2005/P&ARD dated 09.05.2005.

*Note 1 : Those who have passed KGTE Typewriting before January 2002 should produce separate certificate in Computer Word Processing or its equivalent.* B

*Certificates in Computer Word Processing issued by Central, State Government Departments/ Agencies/ Societies, Universities after successfully completing course of study not less than three months duration are considered as equivalent.”* C

3. Since the appellant herein possessed only a National Trade Certificate, the initial objection was that the same was not the equivalent to the prescribed qualification. That objection was recalled by the Public Service Commission and the appellant was included in the Rank List at Rank No.7. However, an objection was later taken that the Computer Word Processing possessed by the appellant is acquired only after the last date of Notification in 2009. D

4. In the case of the appellant, what she possessed is not KGTE Typewriting, but the equivalent qualification which has been approved by the Public Service Commission, in which case, what she is required is only to produce a separate certificate in Computer Word Processing. It may be seen that Note 1 says that those who have passed KGTE Typewriting before January, 2002, should produce separate certificate in Computer Word Processing. It is not in dispute that the appellant possesses an equivalent qualification of KGTE (English) Typewriting, but she did not have a separate certificate as far as the Computer Word Processing is concerned. No doubt, it is also a prescribed qualification. However, relaxation has been granted to those who acquired the qualification of KGTE prior to 2002, for producing a certificate regarding Computer Word Processing. Once the word ‘produce’ is used, it can only be at the time of either verification of the records or at the time of written examination or at the time of appointment. In the case of the appellant, she had produced the certificate prior to the written examination and on the basis of her marks obtained, she has been assigned Rank No. 7 in the Rank List. Unfortunately, this crucial distinction has not been noted in the correct perspective by the High Court. There is also a E F G H

A background for this Note. Prior to 2002, Computer Word Processing was not otherwise part of the curriculum of KGTE, it was introduced subsequently. That was the reason, the Note was introduced. Those who possessed the qualification prior to 2002 should additionally have the Computer Word Processing and they should also produce a separate certificate in that regard.

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5. In that view of the matter, in the peculiar facts of this case, we find it difficult to appreciate the contention, though vehemently advanced by the learned counsel appearing for the Public Service Commission that the Notification required the applicant to possess the Computer Word Processing as well. That possessing read with the expression 'produce' in the background of those candidates who qualified prior to 2002, makes the whole difference. In that view of the matter, the appeals are allowed. The Judgment of the High Court is set aside. The appellant shall be appointed in accordance with her position in the Rank List. This should be done within three months from the date of receipt of a copy of this Judgment. In the event of any unlikely delay, the appellant shall be deemed to be in actual service from 01.11.2017.

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There shall be no order as to costs.

Ankit Gyan

Appeals allowed.