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W.A.NO.378 of 2025

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE ANIL K. NARENDRAN

&

THE HONOURABLE MR.JUSTICE P.M. MANOJ

TUESDAY, THE 25TH DAY OF FEBRUARY 2025 / 6TH PHALGUNA, 1946

W.A.NO.378 OF 2025

AGAINST THE JUDGMENT DATED 21.01.2025 IN

W.P. (C) NO.3914 OF 2024 OF THE HIGH COURT OF KERALA

APPELLANT/WRIT PETITIONER:

FIROS K.V.K, AGED 46 YEARS,
S/O MOIDEENKUTTY, RESIDING AT EROTH HOUSE,
PUTHUPANAM, VADAKARA,
KOZHIKODE DISTRICT, PIN - 673105.

BY ADVS. M/S. V.A.MUHAMMED & M.SAJJAD

RESPONDENTS/RESPONDENTS 1 TO 5:

- 1 STATE OF KERALA,
REPRESENTED BY ITS CHIEF SECRETARY TO GOVERNMENT,
GOVERNMENT SECRETARIAT, ANNEXE - II,
THIRUVANANTHAPURAM, PIN - 695001.
- 2 THE SECRETARY TO GOVERNMENT,
WATER RESOURCES (WATER SUPPLY C) DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001.
- 3 THE SECRETARY TO GOVERNMENT,
SCIENCE AND TECHNOLOGY, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001.



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- 4 THE KERALA WATER AUTHORITY,
REPRESENTED BY ITS MANAGING DIRECTOR, JALA
BHAVAN, THIRUVANANTHAPURAM, PIN - 695033.
- 5 THE KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY ITS SECRETARY, PATTOM,
THIRUVANANTHAPURAM, PIN - 695004.

ADV.SRI.P.M.JOHNY, SC, KWA
SMT. VINITHA B., SR.GP
SRI.P.C.SASIDHARAN, SC, PSC

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
25.02.2025, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



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"CR"

JUDGMENT

Anil K. Narendran, J.

This writ appeal filed under Section 5(i) of the Kerala High Court Act, 1958, arises out of the judgment dated 21.01.2025 of the learned Single Judge in W.P.(C)No.3914 of 2024. The said writ petition is one filed by the appellant-petitioner, who is an aspirant for the post of Lower Division Clerk in the 4th respondent Kerala Water Authority, notified vide Ext.P4 notification dated 16.07.2012 - Category 345/2012 - issued by the 5th respondent Kerala Public Service Commission.

2. As per clause 7(i) and (ii) of Ext.P4 notification dated 16.07.2012 issued by the 5th respondent Kerala Public Service Commission, the qualifications for appointment to the post of Lower Division Clerk in the 4th respondent Kerala Water Authority are Degree in any discipline and Certificate in Data Entry and Office Automation of minimum 3 months (120hrs) duration awarded by Lal Bahadur Shasthri Centre for Science and Technology (LBS), Institute of Human Resource Development (IHRD) or from similar/equivalent institution approved by the Government.



3. The document marked as Ext.P3 is a copy of a certificate dated 19.02.2003 issued by the Project Director, Science and Technology Entrepreneurship Development (STED) Project, Government of Kerala, in which it is certified that the petitioner has successfully completed the training programme in Computerised Office Management with Internet and basic of e-Commerce, sponsored by the Kerala State Backward Classes Development Corporation Ltd. (KSBCDC) and conducted by STED Project from 28.05.2001 to 19.09.2001, and secured 50% marks and as such is proficient in Fundamentals, DOS, Windows 2000, MS Word, MS Excel, MS PowerPoint, MS Access, Internet and basic of e-Commerce.

4. The appellant-petitioner has filed the writ petition seeking a writ of certiorari to quash Ext.P9 ranked list published by the 5th respondent Kerala Public Service Commission for the post of Lower Division Clerk in the 4th respondent Kerala Water Authority, which came into force on 14.07.2023, Ext.P12 communication dated 29.11.2023 of the Secretary of the Kerala Public Service Commission and Ext.P13 reply dated 16.01.2024 [wrongly typed as Ext.P11 in the relief portion] issued by the 3rd



respondent Secretary to Government, to the extent it excluded the name of the petitioner from the ranked list; a writ of certiorari to quash Ext.P5 profile page of the petitioner in the official website of the 5th respondent Kerala Public Service Commission to the extent it rejected the candidature of the petitioner; a writ of mandamus commanding the 5th respondent Public Service Commission to include the name of the Petitioner at an appropriate position in Ext.P9 ranked list for the post of Lower Division Clerk in the 4th respondent Kerala Water Authority; a declaration that the petitioner is fully qualified for the post of Lower Division Clerk in the 4th respondent Kerala Water Authority, for which 5th respondent Kerala Public Service Commission invited applications vide Ext.P4 Gazette notification dated 16.07.2012 - Category No.345/2012; and a writ of mandamus commanding the 3rd respondent Secretary to Government, Department of Science and Technology, to issue a Government order declaring that Computer Office Management with Internet and Basic of e-commerce (3 months) Course certificate issued by Science and Technology Entrepreneurship Development (STED) Project is equivalent to Data Entry and Office Automation Course in Lal



Bahadur Shastri Centre for Science and Technology (LBS) and thereupon direct the 5th respondent Kerala Public Service Commission to include the name of the petitioner in Ext.P9 ranked list for the post of Lower Division Clerk in the 4th respondent Kerala Water Authority at the appropriate position, and advise and appoint him from the said ranked list.

5. Before the learned Single Judge, the 5th respondent Public Service Commission filed a counter affidavit dated 09.03.2024, opposing the reliefs sought for. The petitioner filed a reply affidavit dated 20.7.2024. Along with I.A.No.2 of 2025, the petitioner produced Ext.P14 reply dated 07.12.2024 issued by the 2nd respondent Secretary to Government, Water Resources (Water Supply C) Department, wherein it is ordered as follows;

“Government have examined the matter in detail by scrutinizing the course contents of both the courses and are pleased to order that Computerised Office Management with Internet and Basic of e-commerce conducted by Science and Technology Entrepreneurship Development Project (STED Project) is equivalent to Data Entry and Office Automation Course conducted by LBS and is an eligible qualification for appointment to the post of Lower Division Clerk in Kerala Water Authority.”



6. Before the learned Single Judge, the petitioner pointed out that the Government itself has clarified vide Ext.P14 order dated 07.12.2024 that Computerised Office Management with Internet and Basics of e-commerce conducted by Science and Technology Entrepreneurship Development (STED) Project is equivalent to Data Entry and Office Automation Course conducted by LBS and is an eligible qualification for appointment to the post of Lower Division Clerk in Kerala Water Authority. Placing reliance on Ext.P14 Government order, the petitioner contended that he is fully qualified for appointment as Lower Division Clerk in Kerala Water Authority and hence, the respondents may be directed to include his name in Ext.P9 ranked list.

7. In the impugned judgment, the learned Single Judge considered the question as to whether Ext.P14 Government order dated 07.12.2024 will have a retrospective operation in respect of the vacancies which were advertised way back on 16.07.2012 by the 5th respondent Kerala Public Service Commission or the said Government order will have a prospective operation. The learned Single Judge, by the impugned judgment dated 21.01.2025, dismissed the writ petition. Paragraph No.6 and also the last



paragraph of the said judgment read thus;

"6. The litigation in respect of the vacancies advertised by the Kerala Public Service Commission vide notification dated 16.07.2012, ended in the Supreme Court wherein it has been held that the Diploma in Computer Application or higher qualification is not requisite qualification for appointment to the post of Lower Division Clerk in the Kerala Water Authority and the candidates having Diploma in Computer Application or higher qualification are not qualified to apply for the said post. Once the issue has got finally settled by the Supreme Court, at this stage, the Government order dated 07.12.2024 cannot be made applicable to the selection that has already been made for which the ranked list was published on 14.07.2023. This Government order will have its effect in respect of the future vacancies and not in respect of the vacancies for which the selection got concluded by ranked list on 14.07.2023.

Therefore, I do not find much substance in this writ petition, which is hereby dismissed."

8. Heard the learned counsel for the appellant-petitioner, the learned Senior Government Pleader for respondents 1 to 3, the learned Standing Counsel for Kerala Water Authority for the 4th respondent and the learned Standing Counsel for Kerala Public Service Commission for the 5th respondent.

9. The issue that requires consideration in this writ appeal is as to whether any interference is warranted on the impugned



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judgment of the learned Single Judge dated 21.01.2025 in W.P.(C)No.3914 of 2024.

10. As already noticed hereinbefore, the reliefs sought for by the appellant-petitioner in W.P.(C)No.3914 of 2024 includes a declaration that the petitioner is fully qualified for the post of Lower Division Clerk in the 4th respondent Kerala Water Authority, for which 5th respondent Kerala Public Service Commission invited applications vide Ext.P4 Gazette notification dated 16.07.2012 - Category No. 345/2012; and a writ of mandamus commanding the 3rd respondent Secretary to Government, Department of Science and Technology, to issue a Government order declaring that Computer Office Management with Internet and basic e-commerce (3 months) Course certificate issued by Science and Technology Entrepreneurship Development (STED) Project is equivalent to Data Entry and Office Automation Course in Lal Bahadur Shasthri Centre for Science and Technology (LBS) and thereupon direct the 5th respondent Kerala Public Service Commission to include the name of the petitioner in Ext.P9 ranked list for the post of Lower Division Clerk in the 4th respondent Kerala Water Authority at the appropriate position, and advise and appoint him from the said



ranked list.

11. The qualifications for appointment to the post of Lower Division Clerk in the 4th respondent Kerala Water Authority, as per clause 7(i) and (ii) of Ext.P4 notification dated 16.07.2012 issued by the 5th respondent Kerala Public Service Commission, are Degree in any discipline and Certificate in Data Entry and Office Automation of minimum 3 months (120hrs) duration awarded by Lal Bahadur Shasthri Centre for Science and Technology (LBS), Institute of Human Resource Development (IHRD) or from similar/equivalent institution approved by the Government. Therefore, the qualifications prescribed in Ext.P4 notification, in terms of the Special Rules, do not provide for consideration of 'equivalent qualifications' to that prescribed in the Special Rules for the post of Lower Division Clerk in Kerala Water Authority. On the other hand, as per clause 7(ii) of Ext.P4 notification, a candidate awarded with a Certificate in 'Data Entry and Office Automation' of minimum 3 months (120hrs) duration from a Government approved institution similar or equivalent to Lal Bahadur Shasthri Centre for Science and Technology (LBS) or Institute of Human Resource Development (IHRD) shall be



considered as a person possessing the qualifications prescribed in Ext.P4 notification, in terms of the Special Rules, for appointment as Lower Division Clerk in Kerala Water Authority. The failure to mention an 'equivalent qualification' for the post of Lower Division Clerk in Kerala Water Authority clearly manifests the deliberate design and intent of the Special Rules to limit the equivalence in that context only to the institution from which the Certificate in Data Entry and Office Automation is obtained and not to enlarge the eligibility by encompassing equivalent qualifications also.

12. In **Anoop M. v. Gireeshkumar T.M. [(2025) 1 SCC 729]** the Apex Court noticed that the qualification set out in the notification dated 16.07.2012 issued by Kerala Public Service Commission for the post of Lower Division Clerks in Kerala Water Authority was strictly in keeping with the qualification prescribed therefor at Category 27 in 'Wing II - Ministerial Service' in the Kerala Water Authority (Administrative, Ministerial and Last Grade) Service Rules, 2011. The 2011 Rules are Special Rules for the Kerala Water Authority. Therefore, to the extent the 2011 Rules make special provisions as to the qualification required for a particular post, the same would prevail over the general rule



pertaining to qualifications in Part II of the Kerala State and Subordinate Service Rules, 1958. However, this would be subject to Rule 10(a)(ii) of the 1958 Rules which, as specifically provided therein, prevails over the Special Rules also. Pertinently, insofar as the post of Lower Division Clerk is concerned, the 2011 Rules do not speak of a qualification 'equivalent' to a Certificate in Data Entry and Office Automation from Lal Bahadur Shastri Centre for Science and Technology (LBS), Institute of Human Resources Development (IHRD), also being eligible. What is stated therein is that a Certificate in Data Entry and Office Automation from a similar/equivalent institution, approved by the Government, would be accepted as an eligible qualification. The equivalence is, thus, not of the qualification itself but of the institution from which the said Certificate in Data Entry and Office Automation is obtained.

13. In **Anoop M. [(2025) 1 SCC 729]** the Apex Court noticed that, significantly, where they so intend, the 2011 Rules specifically provide for 'equivalent qualifications' being eligible in relation to particular posts. For instance, for the post of Legal Assistant in 'Wing II - Ministerial Service' a Degree in Law from a University in Kerala or from a University recognised by any of the



Universities in Kerala is the prescribed qualification, but its equivalent is also acceptable. Similarly, for the post of Confidential Assistant Grade II, equivalent qualifications to those prescribed are acceptable. So is the case with the post of Lower Division Typist, where equivalent qualifications are explicitly shown to be acceptable. In effect, the failure to mention an 'equivalent qualification' being acceptable for the post of Lower Division Clerk clearly manifests the deliberate design and intent of the 2011 Rules to limit the equivalence in that context only to the institution from which the Certificate in Data Entry and Office Automation is obtained and not to enlarge the eligibility by encompassing equivalent qualifications also.

14. When the failure to mention an 'equivalent qualification' for the post of Lower Division Clerk in Kerala Water Authority clearly manifests the deliberate design and intent of the Special Rules to limit the equivalence in that context only to the institution from which the Certificate in Data Entry and Office Automation is obtained and not to enlarge the eligibility by encompassing 'equivalent qualifications' also, candidates with Certificate in Data Entry and Office Automation of minimum 3



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months (120hrs) duration awarded by Lal Bahadur Shasthri Centre for Science and Technology (LBS), Institute of Human Resource Development (IHRD) or from similar/equivalent institution approved by the Government alone can be considered as persons possessing the qualifications prescribed in Ext.P4 notification, in terms of the Special Rules, for appointment as Lower Division Clerk in Kerala Water Authority. When the intent of the Special Rules is not to enlarge the eligibility by encompassing 'equivalent qualifications', no reliance can be placed on Ext.P14 Government order dated 07.12.2024.

In such circumstances, we find absolutely no merit in the contentions raised in this Writ Appeal. The impugned judgment of the learned Single Judge warrants no interference in this writ appeal. The appellant-petitioner is not entitled to any of the reliefs sought for in W.P.(C)No.3914 of 2024. The Writ Appeal fails and the same is, accordingly, dismissed. No order as to costs.

Sd/-

ANIL K. NARENDRA, JUDGE

Sd/-

P.M. MANOJ, JUDGE

MMG



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APPENDIX OF W.A.NO. 378/2025

PETITIONER'S ANNEXURES:

ANNEXURE A-1 TRUE COPY OF THE JUDGMENT IN W.A.NO.
1941/2023 DATED 30.01.2024

ANNEXURE A-2 TRUE COPY OF THE JUDGMENT OF THE SUPREME
COURT IN SPECIAL LEAVE PETITION CIVIL
NO.5077-5078 OF 2024 DATED 04.11.2024

ANNEXURE A-3 TRUE COPY OF THE JUDGMENT IN CIVIL APPEAL
NO. 4846 OF 2021 OF THE SUPREME COURT
DATED 17.08.2021