

Ú

ITEM NO.45

COURT NO.12

SECTION XIA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).9807/2011

(From the judgement and order dated 02/09/2010 in WA No.1463/2010 of the
HIGH COURT OF KERALA AT ERNAKULAM)

K. LEELA & ANR.

Petitioner(s)

VERSUS

STATE OF KERALA & ORS.

Respondent(s)

(With office report)

Date: 04/01/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR
HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s) Mr. C.S. Rajan, Sr. Adv.
Mr. Adolf Mathew, Adv.
Mr. Sanjay Jain, Adv.

For Respondent(s) Mr. P.B. Suresh, Adv.
Mr. Prakash Baghel, Adv.
for M/S. Temple Law Firm, Adv.

Mr. Ramesh Babu M.R., Adv.

UPON hearing counsel the Court made the following
O R D E R

The petitioners claim that by virtue of being Scheduled Caste, under Rule 13A of the Kerala State & Subordinate Services Rules, 1958, they would be entitled to claim exemption in qualification for promotion to the post of Tehsildar. Rule 13 of the said Rules provides that no person shall be eligible for appointment to any service, class, category or grade or any post borne on the cadre unless he possesses such special qualifications and has passed such special tests as may be prescribed in that behalf in the Special Rules. The Rule further provides that a person shall be eligible for promotion provided he possesses such other qualification as may be considered to be equivalent to the said special qualifications or special tests. Rule 6 of the Special Rules for the Kerala Revenue Service provides that no person shall be eligible for appointment unless he holds a degree in law of the recognized University or has passed the Criminal Judicial Test. In addition to the aforesaid essential qualification, it is also necessary for a candidate to pass the departmental tests viz. (i) Revenue Test (All Parts) (ii) Account Test (Lower) or Account Test for Subordinate Officers, Part-I (Madras); and (iii) Survey Test (Higher).

It is not disputed before us that the petitioners do not hold a degree in law nor have they passed the Criminal Judicial Test. In

such circumstances, the High Court has held that the petitioners would not be eligible to be promoted to the post of Tehsildar.

We are inclined to accept the interpretation rendered by the High Court. The qualification prescribed under Rule 6 of the Special Rules for the Kerala Revenue Service and Rule 13 of the Kerala State & Subordinate Services Rules, being essential qualifications, have not been exempted by virtue of Rule 13A.

In view of the above, we find no merit in this special leave petition and the same is, accordingly, dismissed.

(A.S. BISHT)
COURT MASTER

(INDU BALA KAPUR)
COURT MASTER