

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

&

THE HONOURABLE MR. JUSTICE K. BABU

WEDNESDAY, THE 15<sup>TH</sup> DAY OF SEPTEMBER 2021 / 24TH BHADRA, 1943

WP(C) NO. 18484 OF 2016

**PETITIONERS:**

- 1 RAJANI P.KUTTAN  
AGED 41 YEARS, W/O.V.R.SUNIL,  
L.D.AUDITOR, ASSISTANT DEVASWOM AUDIT OFFICE,  
THIRUVALLA, PATHANAMTHITTA.
- 2 ANJANA KUMARY.K.C  
W/O.SHIBU.S, L.D.AUDITOR,  
ASSISTANT DEVASWOM AUDIT OFFICE,  
AMBALAPUZHA, ALAPPUZHA DISTRICT.  
BY ADVS.  
SRI.ACHUTH KYLAS  
SMT.SREEDEVI KYLASANATH  
SRI.R.MAHESH MENON  
SRI.DEAGO JOHN K  
SHRI.AMAL DEV C.V.

**RESPONDENTS:**

- 1 STATE OF KERALA  
REPRESENTED BY SECRETARY TO GOVERNMENT,  
DEPARTMENT OF DEVASWOM, SECRETARIAT,  
THIRUVANANTHAPURAM-695001.
- 2 TRAVANCORE DEVASWOM BOARD  
REPRESENTED BY ITS  
SECRETARY, NANTHANCODE, THIRUVANANTHAPURAM-695003.
- 3 THE SECRETARY  
TRAVANCORE DEVASWOM BOARD,  
NANTHANCODE, THIRUVANANTHAPURAM-695003.
- 4 THE DEVASWOM COMMISSIONER  
TRAVANCORE DEVASWOM  
BOARD, NANTHANCODE, THIRUVANANTHAPURAM-695003.
- 5 ADDL.R5.ALKA.M.V.  
AGED 46 YEARS, W/O.ANIL KUMAR R.S., NEMOM P.O.,  
THIRUVANANTHAPURAM-695 020
- 6 USHA M.NAIR, AGED 46 YEARS, W/O. HARIKUMAR.C,  
RESIDING AT VEZHAKKATTU HOUSE, VAZHAPPALLY WEST P.O.,  
CHANGANACHERRY, KOTTAYAM-686 103.  
ADDL.R5 AND R6 ARE IMPEADED AS PER ORDER DATED 15-02-  
2021 IN IA 1/2021.  
BY ADVS.  
SRI.G.BIJU, SC, TRAVANCORE DEVASWOM BOARD

W.P(C) Nos. 18484, 18400, 18494, 18685,  
19758/2016, 34525/2019, 4157/2020  
& W.A No. 196/2021

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B.MOHANLAL  
SRI.KRISHNA MENON, SC, TRAVANCORE DEVASWOM BOARD  
SRI.K.SASIKUMAR, SC, TDB  
SRI.SAIGI JACOB PALATTY, SR.G.P

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR  
ADMISSION ON 15.09.2021, ALONG WITH WA.196/2021, 4157/2020  
AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED  
THE FOLLOWING:

W.P(C) Nos. 18484, 18400, 18494, 18685,  
19758/2016, 34525/2019, 4157/2020  
& W.A No. 196/2021

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

&

THE HONOURABLE MR. JUSTICE K. BABU

WEDNESDAY, THE 15<sup>TH</sup> DAY OF SEPTEMBER 2021 / 24<sup>TH</sup> BHADRA,  
1943

WP(C) NO. 4157 OF 2020

PETITIONERS:

- 1 SINI L.N.,  
AGED 43 YEARS  
D/O.NARAYANAN NAIR, KADAVARTHALA VEEDU,  
MANJAMALA, KUDAVUR P.O., THIRUVANANTHAPURAM - 695  
313 (PROVISIONALLY APPOINTED AS LD CLERK/2ND  
GRADE SUB GROUP OFFICER AND WORKING IN THE OFFICE  
OF EXECUTIVE ENGINEER, TRAVANCORE DEVASWOM  
BOARD).
- 2 SAJITHA J.,  
AGED 44 YEARS  
D/O.SUKUMARA PILLAI, LATHIKA NIVAS, ANIYOOR,  
CHEMPAZHANTHY P.O., THIRUVANANTHAPURAM - 695 587,  
(PROVISIONALLY APPOINTED AS LD CLERK/2ND GRADE  
SUB GROUP OFFICER AND WORKING IN THE OFFICE OF  
EXECUTIVE ENGINEER, TRAVANCORE DEVASWOM BOARD).
- 3 VIJAYAKUMAR K.,  
AGED 44 YEARS  
S/O.RAGAVENDRA RAO, BGRA 1814,  
SOPANAM, INDIRANAGAR, PEROORKADA P.O.,  
THIRUVANANTHAPURAM - 695 005, (PROVISIONALLY  
APPOINTED AS LD CLERK/2ND GRADE SUB GROUP OFFICER  
AND WORKING IN THE OFFICE OF PEROOR DEVASWOM,  
ULLOOR GROUP AS 2ND GRADE ACCOUNTANT, TRAVANCORE  
DEVASWOM BOARD).  
BY ADVS.  
SMT.SREEDEVI KYLASANATH  
SRI.ACHUTH KYLAS  
SRI.JOSELAL GEORGE

W.P(C) Nos. 18484, 18400, 18494, 18685,  
19758/2016, 34525/2019, 4157/2020  
& W.A No. 196/2021

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SRI.R.MAHESH MENON  
SRI.DEAGO JOHN K  
SHRI.AMAL DEV C.V.

**RESPONDENTS :**

- 1 TRAVANCORE DEVASWOM BOARD,  
NANTHANCODE, THIRUVANANTHAPURAM - 695 003,  
REPRESENTED BY ITS SECRETARY.
- 2 SECRETARY, TRAVANCORE DEVASWOM BOARD,  
NANTHANCODE, THIRUVANANTHAPURAM - 695003.
- 3 DEVASWOM COMMISSIONER,  
TRAVANCORE DEVASWOM BOARD, NANTHANCODE,  
THIRUVANANTHAPURAM - 695 003.  
BY ADV SRI.G.BIJU, SC, TRAVANCORE DEVASWOM BOARD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR  
ADMISSION ON 15.09.2021, ALONG WITH WP(C).18484/2016 AND  
CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

W.P(C) Nos. 18484, 18400, 18494, 18685,  
19758/2016, 34525/2019, 4157/2020  
& W.A No. 196/2021

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

&

THE HONOURABLE MR. JUSTICE K. BABU

WEDNESDAY, THE 15<sup>TH</sup> DAY OF SEPTEMBER 2021 / 24<sup>TH</sup> BHADRA,  
1943

WP(C) NO. 18400 OF 2016

**PETITIONERS:**

- 1 GEETHA P.K  
SIVAKRIPA, MRA 17, MANNADY LANE, AMBALAMUKKU,  
PEROORKADA P.O.
- 2 MANOJ A.N.  
ALEKIZHAKKETHIL, MANAKKARA, SASTHAMCOTTAH,  
KOLLAM DISTRICT.
- 3 SANGEETHA C.  
BAIJU COTTAGE, PACHALLOOR P.O.,  
THIRUVANANTHAPURAM.
- 4 SHARMILA N.P.  
KINATTARAVILA VEEDU, KAIRALI GARDENS,  
KODUNGANNOOR P.O., KULASEKHARAM,  
THIRUVANANTHAPURAM.
- 5 MAYA M.G.  
MANGALAVILASAM, NCC ROAD, PEROORKADA P.O.,  
THIRUVANANTHAPURAM.
- 6 PREETHA S.K.  
THAZHAPPALLY, VISHNUNAGAR, PAPPANAMCODE P.O.,  
THIRUVANANTHAPURAM.
- 7 ASHA PANICKER  
UNDACHADATH VEEDU, UMayATTUKARA,  
KALISSERI P.O., CHENGANNUR.
- 8 SINDHU L.  
KANIYANVILAKOM, SARKARA, CHIRAYINKEEZHU P.O.,  
THIRUVANANTHAPURAM.
- 9 GEETHAKUMARI D.  
KATTUVILA VEEDU, VILAYILMOOLA, KODUMAN,  
ATTINGAL P.O., THIRUVANANTHAPURAM.

W.P(C) Nos. 18484, 18400, 18494, 18685,  
19758/2016, 34525/2019, 4157/2020  
& W.A No. 196/2021

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- 10 VENU O.  
PADINJARAVILA VEEDU, KATTAYIKONAM P.O.,  
THIRUVANANTHAPURAM.
- 11 SINDHU S.  
KIZHAKKUMKARA PUTHEN VEEDU, KATTAKUZHI,  
POOVACHAL P.O., THIRUVANANTHAPURAM.
- 12 SHEEJA L.  
KATTUVILAKATHU VEEDU, ANAYARA P.O.,  
THIRUVANANTHAPURAM.
- 13 JAYAKUMARI M.  
KINATTINKARA VEEDU, POZHIYOOR P.O.,  
NEYATTINKARA TALUK, THIRUVANANTHAPURAM.
- 14 RATHI T.  
TC 47/1349, KUNNUPURAM VEEDU, POONTHURA P.O.,  
THIRUVANANTHAPURAM.
- 15 KAVITHA C.  
MAVUVILA VEEDU, KOTTOOR P.O., KUTTICAL,  
KATTAKADA, THIRUVANANTHAPURAM.
- 16 GEETHA KUMARI K.  
G.G.BHAVAN, EANIKKARA, KARAKULAM P.O.,  
THIRUVANANTHAPURAM.
- 17 THARA R.S.  
SARASWATHY VILASOM, OOKKODE P.O., NEMOM,  
THIRUVANANTHAPURAM.
- 18 KALA P.  
THANNIMMOOTUVILA PUTHEN VEEDU, EDVALA,  
OTTASEKHARAMANGALAM P.O.
- 19 SHEEJA L.  
VIJAYAVILASOM, RALOORKARU, NAGAROOOR P.O.,  
THIRUVANANTHAPURAM.
- 20 REKHA S.R.  
PULIMOOTTU VEEDU, VADAKKUMKARA,  
PAZHAKUTTY P.O., NEDUMANGAD.
- 21 MINI G.S.  
MELEVILA PUTHEN VEEDU, VATTAPPARA P.O.,  
THIRUVANANTHAPURAM.
- 22 CHITHRA R.  
KAMALAMANDIRAM, NETTAYAKONAM,  
THEKKUMBHAGOM, KAZHAKUTTOM.
- 23 SHINY V.P.  
KINATTINKARA VILAKAM VEEDU,  
POZHIYOOR, NEYATTINKARA.

W.P(C) Nos. 18484, 18400, 18494, 18685,  
19758/2016, 34525/2019, 4157/2020  
& W.A No. 196/2021

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- 24 VINEETHA L.  
NALUKETTUVEDU, KALLUMMOODU, ANAYARA P.O.,  
THIRUVANANTHAPURAM.
- 25 SHEEJA M.A.  
VASANTHA BHAVAN, KEEZHUNGAL, VATTAPPARA P.O.,  
THIRUVANANTHAPURAM.
- 26 JAYAKUMARY K.  
PLAVILAKKUZHI VEEDU, MUDAPURAM P.O.,  
CHIRAYINKEEZHU.
- 27 SINDHU K.  
V.S.BHAVAN, VAZHAVILAKOM, VILAPPILSALA P.O.,  
THIRUVANANTHAPURAM.
- 28 LETHI S.  
V.L.BHAVAN, PANDARATHOTTAM,  
THIRUPURAM P.O., THIRUVANANTHAPURAM.
- 29 KUMARI ANURADHA T.J.  
ROADARIKATHU PUTHEN VEEDU, KARAKONAM P.O.,  
THIRUVANANTHAPURAM.
- 30 SREEJA J.  
SREEJA BHAVAN, KATTAYIKONAM P.O.,  
THIRUVANANTHAPURAM.
- 31 SINDHU.S, SINDHU VILASAM, PAKALKURI P.O,  
PALLICKAL, KILIMANOR, THIRUVANANTHAPURAM.
- 32 SUNITHA  
THUNDUTHATTUVILA PUTHEN VEEDU, ARALUMMOODU P.O.,  
THIRUVANANTHAPURAM.
- 33 SMITHA V.S.  
AMBADY, MANALOR, NEYYATTINKARA,  
THIRUVANANTHAPURAM.
- 34 SREEKALA V.  
SREEBHAVAN, VANDANNOOR, PERUMPAZHUTHOOR P.O.,  
NEYYATTINKARA.
- 35 BINDHU S.K.  
AKHIL BHAVAN, KUZHINJANVILA, ARUMANNOOR,  
POOVAR P.O., THIRUVANANTHAPURAM.
- 36 SREEJA V.THAMPI  
BALAKRISHNALAYAM (ALAKAPURI), ARAYOOR P.O.,  
NEYYATTINKARA, THIRUVANANTHAPURAM.
- 37 SAMBU R., SIDHARTHA, TC 43/1374,  
MUTTATHARA, VALLAKADAVU P.O.,  
THIRUVANANTHAPURAM.

W.P(C) Nos. 18484, 18400, 18494, 18685,  
19758/2016, 34525/2019, 4157/2020  
& W.A No. 196/2021

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38 KAUSTHUBHAM S.  
VATTAVILA VEEDU, VENGANNOOR P.O.,  
THIRUVANANTHAPURAM.  
BY ADV SRI.D.SOMASUNDARAM

**RESPONDENTS :**

- 1 TRAVANCORE DEVASWOM BOARD  
REPRESENTED BY ITS SECRETARY,  
DEVASWOM BOARD OFFICE, NANDANCODE,  
THIRUVANANTHAPURAM-695 003.
- 2 DEVASWOM COMMISSIONER  
TRAVANCORE DEVASWOM BOARD, DEVASWOM BOARD OFFICE,  
NANDANCODE, THIRUVANANTHAPURAM-695 003.
- 3 V.S.JAYAKUMAR  
SECRETARY, TRAVANCORE DEVASWOM BOARD,  
DEVASWOM BOARD OFFICE, NANDANCODE,  
THIRUVANANTHAPURAM-695 003.  
BY ADVS.  
SRI.KRISHNA MENON, SC, TRAVANCORE DEVASWOM BOARD  
SRI.G.BIJU, SC, TRAVANCORE DEVASWOM BOARD  
SRI.K.SASIKUMAR, SC, TDB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR  
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W.P(C) Nos. 18484, 18400, 18494, 18685,  
19758/2016, 34525/2019, 4157/2020  
& W.A No. 196/2021

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

&

THE HONOURABLE MR. JUSTICE K. BABU

WEDNESDAY, THE 15<sup>TH</sup> DAY OF SEPTEMBER 2021 / 24<sup>TH</sup> BHADRA,  
1943

WP(C) NO. 18494 OF 2016

**PETITIONERS:**

- 1 C.R. BIJUMON  
AGED 44 YEARS  
C.A.RAJAPPAN, L.D.CLERK,  
THIRUVANANTHAPURAM COMMISSIONER OFFICE,  
ARANMULA, PATHANAMTHITTA-689 533.
- 2 AJY P.B  
S/O.BALAKRISHNAN P.N,  
IIND GRADE SUB GROUP OFFICER,  
THIRUVALLOOR, PARAVUR GROUP.
- 3 INDIRA S  
D/O.SAROJINI, L.D.AUDITOR,  
ASSISTANT DEVASWOM ACCOUNTS OFFICE,  
AMBALAPUZHA-688 561.
- 4 AJITHA T.P  
D/O.T.A.PAVITHRAN, ACCOUNTANT IIND GRADE,  
ALUVA MAHADEVAR DEVASWOM, ALUVA-683 101.
- 5 DEEPA RANI B.K  
D/O.NEELAKANTAN KOLAPPAN, L.D.CLERK,  
EXECUTIVE ENGINEER'S OFFICE,  
NANTHANCODE,  
THIRUVANANTHAPURAM-695 003.
- 6 SREEJA S  
D/O.SREENIVASAN, L.D.AUDITOR,  
DEVASWOM ACCOUNTS OFFICE,  
NANTHANCODE,  
THIRUVANANTHAPURAM-695 003.

W.P(C) Nos. 18484, 18400, 18494, 18685,  
19758/2016, 34525/2019, 4157/2020  
& W.A No. 196/2021

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- 7 RAJENDU K.S  
D/O.K.BHASKARAN, ACCOUNTANT,  
HARIPAD DEASWOM, TRAVANCORE DEVASWOM BOARD,  
THIRUVANANTHAPURAM-695 001.
- 8 SANDHYA S.R  
D/O.D.SUKUMARAN, L.D.AUDITOR,  
ASSISTANT DEVASWOM ACCOUNTS OFFICE,  
TRAVANCORE DEVASWOM BOARD,  
THIRUVANANTHAPURAM-695 001.
- 9 SUJAKUMARI L.S  
D/O.R.SADASIVAN ASSARY,  
L.D.CLERK, O/O.ADMINISTRATIVE OFFICER,  
TRAVANCORE DEVASWOM BOARD,  
THIRUVANANTHAPURAM-695 001.
- 10 REKHA B.C  
D/O.BHASKARAN G, L.D.CLERK,  
CHIEF ENGINEER(GENERAL) OFFICE,  
TRAVANCORE DEVASWOM BOARD,  
THIRUVANANTHAPURAM-695 001.
- 11 ANIJA S.R  
D/O.D.SADANANDAN, L.D.CLERK,  
CHIEF ENGINEER(GENERAL) OFFICE,  
TRAVANCORE DEVASWOM BOARD,  
THIRUVANANTHAPURAM-695 001.
- 12 SUSEELA V  
D/O.S.KRISHNAN, L.D.AUDITOR,  
DEVASWOM ACCOUNTS OFFICE,  
THIRUVANANTHAPURAM.-695 001
- 13 VINEETHA V.K  
D/O.V.K.KUTTAPPAN, L.D.CLERK,  
ASSISTANT DEVASWOM COMMISSIONER,  
AMBALAPUZHA, TRAVANCORE DEVASWOM  
BOARD, THIRUVANANTHAPURAM.
- 14 SINDHU P  
D/O.P.PONNAPPAN, L.D.CLERK,  
EXECUTIVE ENGINEERS OFFICE,  
MAVELIKKARA-690 101.
- 15 USHA J  
D/O.PODIYAN, L.D.CLERK,  
EXECUTIVE ENGINEER'S OFFICE,  
MAVELIKKARA-690 101.

W.P(C) Nos. 18484, 18400, 18494, 18685,  
19758/2016, 34525/2019, 4157/2020  
& W.A No. 196/2021

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- 16 SINDHU G  
D/O.K.G.GOPINATHAN NAIR, L.D.CLERK,  
EXECUTIVE ENGINEER'S OFFICE,  
KOTTAYAM-686 001.
- 17 SUNITHA P.S  
D/O.V.KUMARAN, L.D.CLERK,  
EXECUTIVE ENGINEER'S OFFICE,  
MAVELIKKARA-690 101.
- 18 GEETHAMMA K.C  
D/O.K.K.CHELLAPPAN, L.D.CLERK,  
ASSISTANT DEVASWOM COMMISSIONER'S OFFICE,  
KOTTAYAM-686 001.
- 19 ANUPAMA P.S  
D/O.P.R.SUGUNAN, L.D.CLERK,  
ASSISTANT DEVASWOM COMMISSIONER OFFICE,  
CHANGANASSERRY-686 101.
- 20 USHA P.R  
D/O.RAVEENDAN, L.D.CLERK,  
ASSISTANT DEVASWOM COMMISSIONER'S OFFICE,  
MUNDAKAYAM.
- 21 ANILS S  
L.D.AUDITOR,  
ASSISTANT DEVASWOM ACCOUNTS OFFICE,  
NANTHANCODE,  
THIRUVANANTHAPURAM-695 003.
- 22 REKHA P.S  
W/O.VIJAYAN K.M, L.D.CLERK,  
ASSISTANT DEVASWOM COMMISSIONER'S OFFICE,  
THRIKKARIYOOR.
- 23 T.DHANALEKSHMI  
W/O.T.N.SASIKUMAR, L.D.CLERK,  
ASSISTANT DEVASWOM COMMISSIONER'S OFFICE,  
ARANMULA, PATHANAMTHITTA-689 533.
- 24 S.SINDHU  
W/O.SURESHKUMAR M, L.D.CLERK,  
ASSISTANT DEVASWOM COMMISSIONER'S OFFICE,  
ULLOOR, THIRUVANANTHAPURAM-695 011.
- 25 BINU V.R  
W/O.SHINE C.S, L.D.CLERK,  
ASSISTANT COMMISSIONER'S OFFICE,  
MUNDAKAYAM GROUP.

W.P(C) Nos. 18484, 18400, 18494, 18685,  
19758/2016, 34525/2019, 4157/2020  
& W.A No. 196/2021

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- 26 DEEPA C.NAIR  
W/O.VINOD M.V, L.D.CLERK,  
ASSISTANT DEVASWOM COMMISSIONER'S OFFICE,  
ETTUMANOOR GROUP.
- 27 SINDHU N.P  
W/O.MANOJ P.N, L.D.AUDITOR,  
ASSISTANT DEVASWOM COMMISSIONER'S OFFICE,  
ETTUMANOOR GROUP.
- 28 SIMALU V.K  
D/O.V.K.KUNJAPPAN, L.D.AUDITOR,  
ASSISTANT DEVASWOM AUDIT OFFICE, ALUVA-683 101.
- 29 BINDU O.G  
D/O.O.R.GOPALAN, L.D.CLERK,  
ASSISTANT DEVASWOM COMMISSIONER'S OFFICE,  
VAIKOM-686 141.
- 30 JALAJA K.B  
D/O.K.G.BHASKARAN NAIR,  
ASSISTANT DEVASWOM AUDIT OFFICE, ALUVA-683 101.
- 31 RANADEV C.B  
S/O.BALAN C.A, ACCOUNTANT, THURAVOOR DEVASWOM,  
VAIKOM GROUP.
- 32 SINDHU P  
W/O.LOVEMON P.A,  
DEPUTY DEVASWOM COMMISSIONER'S OFFICE,  
VAIKOM, KOTTAYAM-686 606.
- 33 AJITHA O  
W/O.SAKTHIDHARAN T, L.D.CLERK,  
ADMINISTRATIVE OFFICE, BUS OPERATION,  
NANTHANCODE, TRAVANCORE DEVASWOM BOARD,  
THIRUVANANTHAPURAM.
- 34 SEENA V.M  
W/O.AJIKUMAR S, L.D.CLERK,  
ASSISTANT DEVASWOM COMMISSIONER OFFICE,  
ULLOOR GROUP, ULLOOR MEDICAL COLLEGE.P.O.,  
THIRUVANANTHAPURAM.695 011.
- BY ADVS.  
SMT.SREEDEVI KYLASANATH  
SRI.ACHUTH KYLAS  
SRI.JOSELAL GEORGE  
SRI.R.MAHESH MENON  
SRI.DEAGO JOHN K  
SHRI.AMAL DEV C.V.

W.P(C) Nos. 18484, 18400, 18494, 18685,  
19758/2016, 34525/2019, 4157/2020  
& W.A No. 196/2021

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SRI.V.V.ASOKAN (SR.)

**RESPONDENTS :**

- 1 STATE OF KERALA  
REPRESENTED BY SECRETARY TO GOVERNMENT,  
DEPARTMENT OF DEVASWOM, SECRETARIAT,  
THIRUVANANTHAPURAM-695 001.
- 2 TRAVANCORE DEVASWOM BOARD  
REPRESENTED BY ITS SECRETARY, NANTHANCODE,  
THIRUVANANTHAPURAM-695 003.
- 3 THE SECRETARY  
TRAVANCORE DEVASWOM BOARD, NANTHANCODE,  
THIRUVANANTHAPURAM-695 003.
- 4 THE DEVASWOM COMMISSIONER  
TRAVANCORE DEVASWOM BOARD, NANTHANCODE,  
THIRUVANANTHAPURAM-695 003.
- 5 ADDL.R5. NARENDRANATH.R.,  
AGED 30 YEARS, S/O. LATE RAVIKUMAR.P., NARAYANA  
VILASOM, MURUKKUMON, NILAMEL.P.O., KOLLAM  
DISTRICT.(IS IMPLEADED AS PER ORDER DATED 27-07-  
2016 IN IA 11161/2016).  
BY ADVS.  
SRI.G.BIJU, SC, TRAVANCORE DEVASWOM BOARD  
SRI.MOHAN JACOB GEORGE  
SRI.KRISHNA MENON, SC, TRAVANCORE DEVASWOM BOARD  
SRI.K.SASIKUMAR, SC, TDB  
SRI.SAIGI JACOB PALATTY, SR.G.P

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR  
ADMISSION ON 15.09.2021, ALONG WITH WP(C).18484/2016 AND  
CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

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19758/2016, 34525/2019, 4157/2020  
& W.A No. 196/2021

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

&

THE HONOURABLE MR. JUSTICE K. BABU

WEDNESDAY, THE 15<sup>TH</sup> DAY OF SEPTEMBER 2021 / 24<sup>TH</sup> BHADRA,  
1943

WP(C) NO. 18685 OF 2016

**PETITIONERS:**

- 1 SINDHU V.S  
AGED 42 YEARS  
SAJEEV BHAVAN, PATTANAKAD P.O, CHERTHALA,  
ALAPUZHA
- 2 ASHA ANAD  
ASHA SADANAM, NIRANAM P.O, THIRUVALLA, ALAPUZHA
- 3 V. SREEJA  
KUTTIKATTUVELIYIL, CMC 34, CHERTHALA P.O,  
ALAPPUZHA  
BY ADVS.  
SRI.P.V.JAYACHANDRAN  
SRI.NIDHI BALACHANDRAN  
DR.K.S.NIZAR  
SRI.E.B.SHIVANANDAN  
SRI.S.SUDHEESHKAR

**RESPONDENTS:**

- 1 TRAVANCORE DEVASWOM BOARD  
REPRESENTED BY ITS SECRETARY, NANTHANCODE,  
THIRUVANANTHAPURAM PIN 695 011
- 2 DEWASWAM COMMISSIONER  
TRAVANCORE DEVASWOM BOARD, NANTHANCODE,  
THIRUVANANTHAPURAM PIN 695 011
- 3 V.S. JAYAKUMAR  
SECRETARY, TRAVANCORE DEVASWOM BOARD,  
NANTHANCODE, THIRUVANANTHAPURAM PIN 695 011

W.P(C) Nos. 18484, 18400, 18494, 18685,  
19758/2016, 34525/2019, 4157/2020  
& W.A No. 196/2021

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BY ADVS.

SRI.KRISHNA MENON, SC, TRAVANCORE DEVASWOM BOARD

SRI.G.BIJU, SC, TRAVANCORE DEVASWOM BOARD

SRI.K.SASIKUMAR, SC, TDB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR  
ADMISSION ON 15.09.2021, ALONG WITH WP(C).18484/2016 AND  
CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

W.P(C) Nos. 18484, 18400, 18494, 18685,  
19758/2016, 34525/2019, 4157/2020  
& W.A No. 196/2021

16

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

&

THE HONOURABLE MR. JUSTICE K. BABU

WEDNESDAY, THE 15<sup>TH</sup> DAY OF SEPTEMBER 2021 / 24TH BHADRA,  
1943

WP(C) NO. 19758 OF 2016

**PETITIONER:**

VIJAYAKUMAR  
AGED 40 YEARS  
AGED 40, S/O. RAGHAVENDRA RAO, ERUPUTHEN VEEDU,  
INDIRANAGAR, PERURKADA. P.O.  
THIRUVANANATHAPURAM- 695 005.  
BY ADV SRI.A.S.SHAMMY RAJ

**RESPONDENTS:**

- 1 TRAVANCORE DEVASWOM BOARD  
REPRESENTED BY THE PRINCIPLE SECRETARY,  
DEPARTMENT OF DEVASWOM,  
THIRUVANANTHAPURAM- 695 003.
- 2 TRAVANCORE DEVASWOM BOARD  
REPRESENTED BY ITS SECRETARY, NANTHANCODE.P.O.  
THIRUVANANTHAPURAM- 695 003.
- 3 THE PRESIDENT  
TRAVANCORE DEVASWOM BOARD, NANTHANCODE. P.O.  
THIRUVANANTHAPURAM- 695 003.  
BY ADVS.  
SRI.G.BIJU, SC, TRAVANCORE DEVASWOM BOARD  
SRI.T.K.AJITH KUMAR, SC, TDB  
SRI.T.K.AJITH KUMAR, SC, TDB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR  
ADMISSION ON 15.09.2021, ALONG WITH WP(C).18484/2016 AND  
CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:



W.P(C) Nos. 18484, 18400, 18494, 18685,  
19758/2016, 34525/2019, 4157/2020  
& W.A No. 196/2021

17

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

&

THE HONOURABLE MR. JUSTICE K. BABU

WEDNESDAY, THE 15<sup>TH</sup> DAY OF SEPTEMBER 2021 / 24<sup>TH</sup> BHADRA,

1943

WP(C) NO. 34525 OF 2019

**PETITIONER:**

RETHIMOL K.V., AGED 43 YEARS  
WORKING AS LD CLERK,  
OFFICE OF THE ASST. COMMISSIONER, TDB,  
HARIPAD, RESIDING AT POTHACHIRA,  
KADAKKARAPPALLY P.O.,  
CHERTHALA - 688 629.

BY ADVS.

R. RAJASEKHARAN PILLAI

SABINA JAYAN

SHERINE JOSEPH

**RESPONDENTS:**

- 1 THE TRAVANCORE DEVASWOM BOARD,  
REPRESENTED BY ITS SECRETARY,  
DEVASWOM BUILDINGS,  
NANTHANCOD P.O.,  
THIRUVANANTHAPURAM - 695 033.
- 2 THE COMMISSIONER,  
TRAVANCORE DEVASWOM BOARD,  
DEVASWOM BUILDINGS,  
NANTHANCOD P.O.,  
THIRUVANANTHAPURAM - 695 033.

W.P(C) Nos. 18484, 18400, 18494, 18685,  
19758/2016, 34525/2019, 4157/2020  
& W.A No. 196/2021

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3 ADDL. R3. KERALA DEVASWOM RECRUITMENT BOARD,  
REPRESENTED BY ITS SECRETARY,  
KERALA DEVASWOM RECRUITMENT BOARD,  
THIRUVANANTHAPURAM.

IS SUO MOTU IMPLEADED AS ADDITIONAL R3 AS PER  
ORDER DATED 29.03.2021 IN WPC 34525/2019.

BY ADV SRI.G.BIJU, SC, TRAVANCORE DEVASWOM BOARD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR  
ADMISSION ON 15.09.2021, ALONG WITH WP(C).18484/2016 AND  
CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

W.P(C) Nos. 18484, 18400, 18494, 18685,  
19758/2016, 34525/2019, 4157/2020  
& W.A No. 196/2021

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

&

THE HONOURABLE MR. JUSTICE K. BABU

WEDNESDAY, THE 15<sup>TH</sup> DAY OF SEPTEMBER 2021 / 24<sup>TH</sup> BHADRA,

1943

WA NO. 196 OF 2021

AGAINST THE ORDER IN WP(C) 34525/2019 OF HIGH COURT OF  
KERALA

**APPELLANT/RESPONDENT :**

RETHIMOL K.V., AGED 44 YEARS  
TERMINATED LD CLERK,  
OFFICE OF THE ASST.COMMISSIONER,  
HARIPAD, RESIDING AT POTHACHIRA,  
KADAKKARAPALLY P.O.,  
CHERTHALA-688 629.

BY ADV R.RAJASEKHARAN PILLAI

**RESPONDENTS/PETITIONERS :**

- 1 THE TRAVANCORE DEVASWOM BOARD,  
REPRESENTED BY ITS SECRETARY,  
DEVASWOM BUILDINGS, NANTHANCODE P.O.,  
THIRUVANANTHAPURAM-695 033.
  - 2 THE COMMISSIONER,  
TRAVANCORE DEVASWOM BOARD,  
DEVASWOM BUILDINGS, NANTHANCODE P.O.,  
THIRUVANANTHAPURAM-695 033.
- ADDL.R3 IMPLEADED.
- 3 KERALA DEVASWOM RECRUITMENT BOARD,  
REPRESENTED BY ITS SECRETARY, II FLOOR, DEVASWOM  
BOARD BUILDING, MG ROAD, OPP.GOVERNMENT AYURVEDA

W.P(C) Nos. 18484, 18400, 18494, 18685,  
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COLLGE, THIRUVANANTHAPURAM-695 001 .

IS IMPEADED AS ADDL.R3 AS PER ORDER DATED  
29.03.2021 IN UNNUMBERED I.A. OF 2021 IN  
W.A.NO.196/2021 .

BY ADVS.

SHRI.G.BIJU, SC, TRAVANCORE DEVASWOM BOARD

SHRI.G.BIJU, SC, TRAVANCORE DEVASWOM BOARD

SHRI.V.V.NANDAGOPAL NAMBIAR, SC, KERALA DEVASWOM  
RECRUITMENT BOARD

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON  
15.09.2021, ALONG WITH WP(C).18484/2016 AND CONNECTED  
CASES, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

W.P(C) Nos. 18484, 18400, 18494, 18685,  
19758/2016, 34525/2019, 4157/2020  
& W.A No. 196/2021

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**(C.R)**

**ALEXANDER THOMAS & K.BABU, JJ.**

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W.P(C) Nos. 18484, 18400, 18494, 18685, 19758 of 2016,  
34525 of 2019, 4157 of 2020 and W.A No. 196 of 2021  
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Dated this the 15<sup>th</sup> day of September, 2021

**JUDGMENT**

**K.BABU, J.**

This judgment has been divided into the following sections to facilitate analysis:

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## **A. BACKGROUND FACTS**

2. A batch of seven Writ Petitions and a Writ Appeal challenging an interlocutory order passed by a learned Single Judge in one of the writ petitions, have come up for consideration before us.

3. The petitioners, who were temporarily/provisionally appointed by the Travancore Devaswom Board (for short, 'the Devaswom Board') as L.D.Clerk/Sub Group Officer Grade-II, challenge clause 11 of Ext.P3 order limiting their provisional services till 31-05-2016 AN and seek regularisation of their services. The appellant in W.A No.196/2021, who is the petitioner in W.P(C) No.34525/2019, challenges the order dated 22-12-2020 in I.A No.1/2020 vacating the interim order of status quo, passed by the

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learned Single Judge of this Court. As the question of regularisation of the services of the petitioners is the issue involved in all the writ petitions, and since the Writ appeal relates to an interim order in one of the writ petitions, we proceeded to consider them jointly. W.P(C) No.18484/2016 is taken as the lead case. Reference is made to the documents filed in W.P(C) No.18484/2016, except in cases where specific mention is made to any of the documents filed in the other writ petitions.

4. The petitioners were appointed in the Devaswom Board, provisionally for a period of 89 days, with effect from 01-10-2011. Their period of service was renewed further but limited to 179 days. The Devaswom Board issued proceedings, fixing the period of temporary appointment of the petitioners as 179 days. The petitioners challenged the said proceedings by filing W.P(C) No.7260/2012 and connected cases before this Court. By judgment dated 23-04-2013, the Division Bench of this Court dismissed these writ petitions, holding that as the petitioners had not undergone a selection process to hold a regular post, and regular appointment could only be made from the select list published by the Kerala

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Public Service Commission as provided in Section 29A of the Travancore Cochin Hindu Religious Institutions Act, 1950 (for short, 'TCHRI Act, 1950'), they have no right for regularisation. The petitioners challenged the judgment dated 23-04-2013 in W.P(C) No.7260/2012 and connected cases before the Apex Court in SLP No.19485-19488/2013. The Apex Court dismissed the SLP by order dated 19-11-2013. Thereafter, the Devaswom Board issued Ext.P3 proceedings limiting the period of services of the petitioners till 31-05-2016 AN. The petitioners challenge Ext.P3 proceedings and seek regularisation of their services in these writ petitions.

## **B. RELEVANT PRAYERS**

5. The relevant prayers in the writ petitions are the following:

- (i) *To issue a writ of certiorari quashing clauses 11 and 12 of Ext.P3 as unjust, arbitrary and unsustainable;*
- (ii) *To declare that the petitioners are entitled to continue in service till their services are regularized;*
- (iii) *To issue a writ of mandamus directing the respondents 1 to 3 to pass orders retaining the petitioners in service in their respective posts;*
- (iv) *To issue a writ of mandamus or such other writ, order or directions, directing the 2<sup>nd</sup> respondent to consider and pass appropriate orders on Ext.P9 and Ext.P9(a) series of representations submitted by the petitioners, after affording an opportunity of hearing, within a time frame as fixed by this Hon'ble Court;*
- (v) *To issue a writ of mandamus or such other writ, order or directions, directing the respondents to*



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*regularize the services of the petitioners by treating them equal to all other persons who were provisionally employed and subsequently regularized by the Board prior to the establishment of the Recruitment Board.*

- (vi) *Issue a writ of mandamus or other appropriate writ, order or direction directing the first and second respondent to grant the benefit of Right of Persons with Disabilities Act, 2016 to the petitioners in W.P(C) Nos.34525/2019 and 19758/2016 and regularize the petitioners in the post of L.D Clerk retrospectively w.e.f the date of initial appointment.*

## **C. PLEADINGS**

### **(a) Common pleadings of the petitioners.**

6. The petitioners were appointed provisionally by the Devaswom Board after a due selection process. Their names were sponsored by the Employment Exchange. They were appointed after interview and police verification regarding their antecedents. The petitioners were given training also. When the Devaswom Board attempted to terminate the services of the petitioners on completion of 179 days, they approached this Court by filing W.P(C) No.7260/2012 and other connected cases. This Court dismissed those writ petitions by way of judgment dated 23-04-2013 (Ext.P1). The SLP challenging the judgment was dismissed by the Apex Court on 19-11-2013. Subsequent to the judgment dated 23-04-2013 in W.P(C) No.7260/2012 and connected cases, the Kerala Devaswom

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Recruitment Board (for short, 'the Recruitment Board') was constituted for making regular appointment to various posts under the Devaswom Board. The Recruitment Board has so far not prepared select list of candidates. The services of the petitioners are highly required by the Devaswom Board in the absence of a select list for appointment on regular basis.

7. The Devaswom Board issued Ext.P3 order dated 28-04-2016, limiting the period of the services of the petitioners till 31-05-2016. The petitioners are aggrieved by Ext.P3 order of the Devaswom Board. Clauses 11 and 12 of Ext.P3 order are in violation of the directions in Ext.P1 judgment. Termination of the services of the petitioners with effect from 31-05-2016 would amount to infringement of their fundamental rights enshrined in Articles 14, 16, 19, and 21 of the Constitution. There is no break in the services of the petitioners. The Devaswom Board is to be directed to regularise the services of the petitioners by treating them equal to all other persons who were provisionally employed and subsequently regularised prior to the establishment of the Recruitment Board.

**(b) Supplementary pleadings**

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**W.P(C) Nos.18484/2016 & 18494/2016**

8. In an identical issue in the Guruvayoor Devaswom Board, when the temporary employees were attempted to be terminated, they approached this Court. No reliefs were granted to them by this Court. When they approached the Apex Court, the Guruvayoor Devaswom Board devised a scheme for regularising their services. The petitioners, who are on the same footing as that of the employees working in the Guruvayoor Devaswom Board, are to be treated similarly.

**W.P(C) No.19758/2016**

9. The petitioner is a disabled person with 40% physical disability. The petitioner, being a disabled man, is entitled to the benefit of Ext.P5 Government Order produced in this writ petition, which mandates that 3% reservation is to be given to the physically disabled persons. The Devaswom Board is bound to implement Ext.P5 Government Order, and hence the petitioner is entitled to regularisation in service.

**W.P(C) Nos.34525/2019 & W.A No.196/2021**

10. The petitioner is a person with 45% physical disability. Her service has not been regularised, which is in violation of the

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relevant provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and Rights of Persons with Disabilities Act, 2016. The petitioner had submitted a representation seeking regularisation. As per Ext.P2 judgment, this Court directed the Devaswom Board to consider the representation and to pass appropriate orders thereon within two months. The petitioner was called for a hearing on 16-02-2017, but no orders were passed. Without giving orders on the representation submitted by the petitioner, the Devaswom Board reported the vacancies to the Recruitment Board for regular appointment. The petitioner is entitled to regularisation.

11. The learned Single Judge of this Court, as per order dated 22-12-2020, vacated the interim order of status quo, observing that the petitioner cannot have any special right for regularisation and for continuation in service. This order is under challenge in W.A No.196/2021.

**(c) The Devaswom Board pleaded the following:**

12. The petitioners were appointed in clerical cadre in the Devaswom Board on a temporary/provisional basis initially for a

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period of 89 days from a list sponsored by the Employment Exchange. The temporary appointments were made at the time when there was an extreme dearth of sufficient clerical staff and after obtaining the sanction of this Court as per order dated 26-09-2011 in DBP No.12/2008. The petitioners had earlier approached this Court claiming regularisation in service, which was declined by this Court as per common judgment dated 23-04-2013 in W.P(C) No.7260/2012 and connected cases. In W.P(C) No.7260/2012 and connected cases, this Court upheld the validity of the proceedings issued by the Devaswom Board, fixing the period of temporary appointment of the petitioners at 179 days. This Court also directed the Government and the Devaswom Board to create a permanent selection body for making appointments by direct recruitment to fill up regular vacancies. Accordingly, the Kerala Devaswom Recruitment Board Act, 2015 was enacted, pursuant to which the Recruitment Board was constituted to conduct selection for regular appointment to the vacancies in the Devaswom Board except for hereditary posts and posts in aided educational institutions.

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13. The Devaswom Board had issued the proceedings dated 28-04-2016, limiting the services of the provisional appointees till 31-05-2016. The petitioners had challenged the said proceedings and obtained an interim order of status quo, and they continued in service. The recognised employees have filed W.P(C) No.34451/2018 challenging the recruitment process, contending that it was without finalising the redeployment process, the recruitment steps were adopted. Thereafter redeployment process was finalised, and in that exercise, 44 posts of senior clerks and 49 posts of clerks in the Devaswom Department and six posts of senior clerks, and one post of clerk in the Maramath Department were reduced. The Devaswom Board reported 64 vacancies in the cadre of LD Clerk/Sub Group officer to the Recruitment Board for preparing the select list for appointment. The Recruitment Board invited applications and proceeded with the selection process. Age relaxation and grace marks were provided to the temporary/provisional employees who participated in the selection process. After the selection process, the select list was published on 01-11-2019. The Recruitment Board has so far advised 115 candidates, and they were appointed. The rank list

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is still in force.

14. The Rights of Persons with Disabilities Act, 2016 (for short, 'the Act of 2016') contains no provision to regularise the services of temporary employees. The Act only provides reservation to the disabled persons for direct appointment and promotion.

15. The reliefs sought for in these petitions are against the law declared by the Apex Court in State of Karnataka v. Umadevi [(2006) 4 SCC 1] and Official Liquidator v. Dayanand and others [(2008) 10 SCC 1].

**(d) The Recruitment Board pleaded as follows:**

16. The existing norms for the selection of persons with disabilities have been strictly observed. Three percent (3%) reservation has been given to differently-abled candidates. A separate list has been prepared for differently-abled, by including 5 candidates from each category in the probability list published for the post. 183 candidates who secured 84 marks and above in the OMR test were included in the probability list. For preparing supplementary list and 3% reservation list for differently-abled candidates, marks have been lowered to the extent necessary. As per

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Clause 13A of the Kerala Devaswom Recruitment Board Regulations, the physically disabled candidates have to be given grace marks subject to a maximum of 12% to blind/deaf/dumb and 10% to orthopedically disabled candidates.

17. Reasonable grace marks have been awarded to candidates from among the temporary employees who became eligible to be included in the rank list.

18. As per the G.O(P)No.8/17/SWD dated 06-05-2017, the Government have refixed the 'turns' for physically disabled candidates as 1, 34, 67. Those vacancies have been set apart for differently-abled candidates. Five differently-abled candidates were advised from the list against their quota.

19. One hundred and thirty four (134) candidates from the category of blind/low vision, 85 candidates from the category of hearing impaired, and 445 candidates from the category of locomotor disability/cerebral palsy, appeared for the OMR test. The rank list was published on 26-02-2020.

20. Though the Act of 2016 has provided for an enhanced reservation of 4% to certain categories of disabled persons, it could



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not be brought about in view of G.O(P) No.12/2009/SWD dated 31-10-2019. The Government have not earmarked posts eligible for appointing from categories 'd' & 'e' under Section 34(1) of the Act of 2016 from amongst the persons under categories 'a' to 'c'. Therefore the Devaswom Board has also not earmarked the posts for 'd' & 'e' categories to increase the reservation from 3% to 4%. Hence three candidates, each from the categories of blind/low vision/hearing impaired and locomotor disability/cerebral palsy, have been included in the rank list, and two candidates each from the above three categories have been advised for the appointment so far.

#### **D. SUBMISSIONS**

21. Sri.V.V.Asokan, learned Senior Counsel for the petitioners in W.P (C) Nos.18484/2016, 18494/2016, 4157/2020 submitted as follows:

21.1. The action of the Devaswom Board is highly unjust and violative of the principles of natural justice, as is evident from the fact that after availing the services of the petitioners for almost 9 years, they were disengaged arbitrarily and that too without affording any opportunity of hearing.

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21.2. The petitioners were appointed from the list sponsored by the Employment Exchanges. Their selection was made after conducting procedures like police verification, interview, etc. This makes it clear that the petitioners were selected through a statutory procedure fixed by the Devaswom Board, and disengagement of the petitioners without affording any opportunity of hearing resulted in the violation of the fundamental rights guaranteed under the Constitution of India.

21.3. Exhibit P3 order dated 28-04-2016, which *inter alia* limited the services of the petitioners up to 31-05-2016, is violative of the principles of natural justice. Clauses 11 and 12 of Ext.P3 were arbitrarily incorporated in violation of the constitutional principles.

21.4. Restructuring of various posts under the Devaswom Board, as narrated in Ext.P3, under the guise of taking shelter of court orders, was done with intent to harass and to cause prejudice to the petitioners.

21.5. The petitioners have spent the best portion of their life by rendering services to the Devaswom Board, and hence it is highly unjust to let the petitioners walk away without even providing any

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kind of compensation or any other kind of benefits. The action of the Devaswom Board is against the spirit of ***Umadevi's case***. The service benefits of the petitioners who discharged a long-term service to the Devaswom Board have not been provided, and the security furnished by the petitioners has also not been refunded.

21.6. Similarly placed employees in the Guruvayoor Devaswom Board are still continuing in service as per the directions of the Apex Court in SLP (C)No.35143/2017.

21.7. The Devaswom Board has admitted that there are 55 vacancies in the cadre of clerks and 115 vacancies in the cadre of senior clerks in the Devaswom Department and 12 vacancies in the cadre of clerks, and 7 vacancies in the cadre of senior clerks in the Maramath Department, leading to the conclusion that there was no immediate necessity for terminating the services of the petitioners.

21.8. The principle of equality that “likes are to be treated alike” is to be pressed into service in the facts and circumstances of these cases. Many temple employees and others working under the Devaswom Board, who were absorbed through Employment Exchanges, were earlier regularised in service, and hence it is highly

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discriminatory that the petitioners who are like the others, who also had gone through a selection procedure, are now thrown out of service in an arbitrary manner.

21.9. The petitioners, who are duly qualified persons in terms of the statutory provisions for the posts occupied by them, continued in the service for a long time and further that there was no break in their services and hence they are entitled to be regularised.

21.10. Only the vacancies that arose after the commencement of the Kerala Devaswom Recruitment Board Act, 2015 can be included for appointment through the Recruitment Board as the Act of 2015 and the rules framed thereunder have only prospective operation.

21.11. The petitioners are entitled to the protections contained in the doctrine of legitimate expectation as there was an implied assurance on the part of the Devaswom Board that their services would be regularised.

21.12. The petitioners are entitled to the benefit of the law declared in Umadevi (supra) and Jacob v. Kerala Water Authority [1991 SCC 28].

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21.13. The learned Senior Counsel also relied on ***Rajnish Kumar Mishra v. State of U.P*** (2019 (17) SCC 648) and ***University of Delhi v. Delhi University Contract Employees Union and others*** (AIR 2021 SC 3305) to buttress his arguments.

22. Sri.P.V.Jayachandran, the learned counsel appearing for the petitioner in W.P(C) No.18685/2016 and Sri.A.S. Shammy Raj, the learned counsel appearing for the petitioner in W.P(C) No.19758/2016 submitted that they are adopting the submissions made by the learned Senior Counsel Sri.V.V.Asokan. The learned counsel appearing for the petitioner in W.P(C) No.19758/2016 further submitted as follows:

22.1 The mandate of the provisions contained in the Persons With Disabilities Act, 1995 and the Act of 2016 has not been complied with, in the case of physically challenged persons.

23. Sri.Rajasekharan Pillai, the learned counsel for the petitioner in W.P(C) No.34525/2019 submitted the following:

23.1. Termination of the petitioner is in violation of the interim orders passed by this Court. The petitioner was terminated while the

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prohibition from termination was in force. In the preparation of the new select list published by the Recruitment Board, the provisions of the Act of 2016 had not been complied with. No candidates who belonged to categories 'd' and 'e' as provided in Section 34 of the Act of 2016 are there in the shortlist.

24. The learned Standing Counsel for the Devaswom Board, Sri.G.Biju submitted as follows:

24.1. The writ petitions are barred by the principle of *res judicata*. The petitioners had earlier sought for the reliefs prayed for herein in W.P(C) No.7260/2012 and connected cases, and those cases were dismissed. The doctrine of legitimate expectation has no application in the given facts and circumstances as the petitioners had no reason to expect that their services would be regularised since they were selected only for a period of 89 days.

24.2. The petitioners were not appointed following the rules and procedures for regular recruitment. The regular recruitment was to be conducted following the Special Rules framed under Clause (e) of sub-section 2 of Section 35 of TCHRI Act, 1950 and thereafter, with the introduction of Section 29A into the TCHRI Act,

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1950, appointment was to be done from the select list prepared by the PSC and after the omission of Section 29A, the Kerala Devaswom Recruitment Board Act, 2015 came into effect.

24.3. The petitioners were all given opportunities to participate in the regular selection process conducted by the Recruitment Board by providing age relaxation and grace marks. They have no right to be enforced for regularisation in view of the regular recruitment mechanism.

24.4. The petitioners in W.P(C) No.18685/2016 and 34525/2019 have no case that any of them belongs to 'd' & 'e' categories under Section 34 of the Act of 2016.

25. The learned Standing Counsel for the Recruitment Board, Sri.V.V.Nandagopal Nambiar submitted the following:

25.1. As nobody applied from the categories 'd' & 'e' under Section 34 of the Act of 2016, there is no question of expanding the shortlist so as to include those persons. The Recruitment Board has published the rank list on 26-02-2020. The Government have not earmarked posts eligible for appointment from the categories 'd' & 'e' from amongst persons under Clauses 'a' to 'c'. Therefore, the

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appointing authority has not earmarked posts for 'd' & 'e' categories. The appointing authority has yet to earmark the posts eligible for being considered against the category 'e' from amongst persons under Clauses 'a' to 'd'. Hence the 3% reservation for differently-abled candidates implemented in the rank list is in order.

### **E. CONSIDERATION**

26. The issue that falls for consideration is whether the petitioners have established any legal right to be enforced against the Devaswom Board.

27. The Travancore Devaswom Board was constituted under Chapter II of the Travancore Cochin Hindu Religious Institutions Act, 1950 (the TCHRI Act, 1950) for the purpose of administration, supervision, and control of religious institutions in the Hindu Religious Endowments and Funds.

28. The Devaswom Board is an 'other authority' answering the definition of 'State' under Article 12 of the Constitution of India {See ***P.M.Brahmadattan Namboodiripad v. Cochin Devaswom Board*** (AIR 1956 TC 19); ***Ranjith v. State of Kerala and others*** (2007 (1) KLT 1041)}.



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29. Public employment in the Government and its instrumentalities has to be on the basis of procedure established on that behalf in terms of the Constitutional scheme. The regular appointment is the rule in the substantive posts, and ad hoc and temporary appointment is an exception.

30. If rules have been made drawing the procedures in the matter of recruitment to permanent posts, then the Government and its instrumentalities can make appointments only in accordance with the rules. Following any other course is disastrous as it will amount to negating the accepted service jurisprudence.

31. In ***State of Haryana & Others v. Piara Singh & Others*** [(1992) 4 SCC 118] the Apex Court deduced guidelines in this regard, the relevant propositions of which read thus:

*“The normal rule, is regular recruitment through the prescribed agency but exigencies of administration may sometimes call for an ad hoc or temporary appointment to be made. In such a situation, effort should always be to replace such an ad hoc/temporary employee by a regularly selected employee as early as possible. Such a temporary employee may also compete along with others for such regular selection/appointment. If he gets selected, well and good, but if he does not, he must give way to the regularly selected candidate. The appointment of the regularly selected candidate. The appointment of the regularly selected candidate cannot be withheld or kept in abeyance for the sake of such an ad hoc/temporary employee.*

*Secondly, an ad hoc or temporary employee should not be replaced by another ad hoc or temporary employee; he must be replaced only by a regularly selected employee. This is necessary to avoid arbitrary action on the part of the appointing authority.*

*Thirdly, even where an ad hoc or temporary employment is*

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*necessitated on account of the exigencies of administration, he should ordinarily be drawn from the employment exchange unless it cannot brook delay in which case the pressing cause must be stated on the file. If no candidate is available or is not sponsored by the employment exchange, some appropriate method consistent with the requirements of Article 16 should be followed. In other words, there must be a notice published in the appropriate manner calling for applications and all those who apply in response thereto should be considered fairly.”*

32. In **Secretary, State of Karnataka and others v. Umadevi** (supra), the Apex Court held that a regular process of recruitment or appointment has to be resorted to when regular vacancies in posts, at a particular point of time, are to be filled up. The filling up of regular vacancies cannot be done in a haphazard manner or based on patronage or other considerations. Regular appointments must be the rule.

33. In **Umadevi** (supra), after surveying all the precedents on the subject, the Apex Court held that appointments made without following the due process or the rules for appointment did not confer any right on the appointees and that the court cannot direct their absorption or regularisation or re-engagement or making them permanent.

34. The Apex Court in **Umadevi** (supra) further held thus:

*“The power of a State as an employer is more limited than that of a private employer inasmuch as it is subjected to constitutional limitations and cannot be exercised arbitrarily. Public employment in a sovereign socialist secular democratic republic*

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*has to be as set down by the Constitution and the laws made thereunder. Our constitutional scheme envisages employment by the Government and its instrumentalities on the basis of a procedure established in that behalf. Equality of opportunity is the hallmark, and the Constitution has provided also for affirmative action to ensure that unequals are not treated as equals. Thus, any public employment has to be in terms of the constitutional scheme. Adherence to Articles 14 and 16 of the Constitution is a must in the process of public employment. Adherence to the rule of equality in public employment is a basic feature of our Constitution and since the rule of law is the core of our Constitution, a court would certainly be disabled from passing an order upholding a violation of Article 14 or in ordering the overlooking of the need to comply with the requirements of Article 14 read with Article 16 of the Constitution. (Paras 6, 2, 41 and 43)”*

35. In **Official Liquidator v. Dayanand** [(2008) 10 SCC 1], the Apex Court, while considering the claim of the persons employed/engaged by the Official Liquidators, pursuant to the sanction accorded by the Courts concerned under Rule 308 of the Companies (Court) Rules, 1959, seeking their absorption against permanent posts sanctioned by the Government of India, following **Umadevi** (supra), held that as those employees were not engaged by promising absorption in future against the sanctioned post or they were not coerced by some authority to accept such employment, they cannot be heard to complain of the violation of Articles 14 and 16 of the Constitution on the ground that even after having worked for more than one decade, they have not been absorbed in the regular cadres under the Government. The Apex Court further held

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that, after having applied for and accepted employment/engagement with fixed tenure superimposed by a stipulation that they will have no right to continue in service or to be absorbed in the regular cadres, they are estopped from seeking a direction for their absorption against the posts sanctioned by the Government of India.

36. In Official Liquidator (supra), the Apex Court observed that by virtue of Article 141 of the Constitution, the judgment of the Constitution Bench in Umadevi (supra) is binding on all the courts, including the Supreme Court till the same is overruled by a larger Bench.

37. The rights of the petitioners seeking regularisation in their services are to be adjudicated in the backdrop of the principles discussed above.

**E1. The Regular process of recruitment followed in the Devaswom Board.**

**(i) Rules framed under Clause (e) of sub-section 2 of Section 35 of the TCHRI Act, 1950 (for short, 'the Special Rules')**

38. The regular process of appointment to various posts under the Devaswom Board was being done as per the Rules framed in exercise of the powers conferred by sub-section 5 of Section 29 and

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Clause (e) of sub-section 2 of Section 35 of the TCHRI Act, 1950 as amended as per notification dated 20-03-1987.

39. The Special Rules, framed under Clause (e) of sub-section 2 of Section 35 of the TCHRI Act, 1950, came into effect in 1950. As per the Special Rules, the posts of L.D Clerk/Sub Group Officers come under Intermediate Division. The general conditions of recruitment as per the Special Rules are as follows:

*“4. A person shall not be recruited to the Devaswom Administrative Service unless,- (1) he is born or domiciled in the territory of the former State of Travancore;*

*(2) he is a Hindu by religion;*

*(3) he has completed 18 but is not more than 35 years of age. The case of those who deserve exemption on special grounds will be duly considered by the Board and age bar exemption granted when found necessary;*

*(4) he is able to produce a genuine certificate of his good character signed by some respectable person competent to speak thereto from personal knowledge of the candidate;*

*(5) he is qualified for the appointment for which he applies in accordance with the provisions prescribed in Schedule II appended to these rules;*

*(6) he is at the time of recruitment, mentally and physically capable of performing the duties of his proposed appointment and is free from any infectious or contagious disease;”*

40. The method of recruitment is provided in Rule 9, in Chapter V of the Special rules. Rule 9, as amended as per notification dated 20-03-1987, reads thus:

*“Before making recruitment the Board shall notify the probable vacancies and invite applications for appointment in two Malayalam Dailies having wide circulation. The application should be in the form prescribed in schedule I appended to these rules. The completed application forms should reach the Board office with in one month of the date of publication of the notification or such*

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*further time as may be extended by the Board. All the publications received in pursuance of the notification shall be duly registered and scrutinised. All eligible candidates whose applications are found to be in order shall be invited for interview or written test or both as the Board may determine. In case the Board decides that written test has to be conducted in a particular case such test may be conducted in such manner as the Board may determine. After conducting the interview or written test or both, as the case may be, the Board shall prepare a rank list in the order of merit and the same shall be published in the notice board of the Board office. The validity of the rank list will be for a period of one year from the date of publication thereof.”*

41. As per Rule 12 of the Special Rules in filling up vacancies in the Intermediate Division by recruitment, Hindus belonging to communities not represented or inadequately represented will be given due preference, other things being equal. The Schedule III of the Special Rules provides the mode in which the examination is conducted. In making the recruitment to the post in Grade-I of the Intermediate Division, the applications from persons already in service under the Board will also be considered if they possess the requisite qualification.

**(ii) Appointment through the Kerala Public Service Commission**

42. With effect from 05-06-2007, by way of amendment in the TCHRI Act, 1950, Section 29A was incorporated by which appointment was to be made from the select list prepared by the Kerala Public Service Commission. Section 29A, which was later

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omitted, reads thus:

*“29A. Appointment to be made through Kerala Public Service Commission:- Notwithstanding anything contained in this Act or in the rules or the byelaws made thereunder relating to the recruitment and conditions of service of officers and employees of the Board, all appointments of officers and employees in the Devaswom Administrative Service of the Board for which direct recruitment is resorted to, shall be made from a select list of candidates furnished by the Kerala Public Service Commission, in accordance with the law made for the exercise of this additional function by the Kerala Public Service Commission. A Hindu member/members of the Public Service Commission may discharge the function of conducting interview in the process of selection of candidates for appointments.”*

Pursuant to the introduction of Section 29A in the TCHRI Act, 1950, the Kerala Public Service Commission (Additional Functions As Respects the Administrative Services Under Devaswom Boards) Act, 2008 (for short, 'the PSC Act, 2008') was enacted. In exercise of the powers conferred by Section 4 of this Act, the Kerala Public Service Commission (Additional Functions As Respects the Administrative Services Under Devaswom Boards) Rules, 2009 (for short, 'the PSC Rules, 2009') were framed by the Government. As per Section 3(2) of the PSC Act, 2008, the Devaswom Board shall consult the Public Service Commission-(a) as respects matters relating to direct recruitment to the posts under the Administrative Services of the Devaswom Board and (b) on the principles to be followed in making appointments by direct recruitment to the posts under the

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administrative services under the Devaswom Board and on the suitability of candidates for such appointments, and it shall be the duty of the Public Service Commission to advise on any matter so referred to them.

43. As per Rule 5 of the PSC Rules 2009, it shall not be necessary to consult the Commission regarding the appointment of a person temporarily for a total period not exceeding six months to a post in a Devaswom Board to which appointment shall be made on the advice of the Commission. Therefore after the incorporation of Section 29A in the TCHRI Act, 1950, regular appointment to the substantive posts could be done by the Devaswom Board only on the advice of the Public Service Commission. By way of the Travancore Cochin Hindu Religious Institutions (Amendment) Act, 2014 (Act 1 of 2014) Section 29A was omitted from the TCHRI Act, 1950, and the Kerala Public Service Commission (Additional Functions as Respects the Administrative Services under Devaswom Boards) Act, 2008 (19 of 2008) was repealed, with effect from 10-11-2012.

**(iii) The Kerala Devaswom Recruitment Board Act, 2015**

44. The Kerala Devaswom Recruitment Board Act, 2015 (for short, 'the Recruitment Board Act, 2015') came into force with effect



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from 01-03-2014 to provide for the constitution of an autonomous Devaswom Recruitment Board for preparing the select list of candidates for the appointment in various posts other than hereditary posts and the posts in aided educational institutions in Devaswom Boards of the State of Kerala and for matters connected therewith or incidental thereto. As per Section 9 of the Recruitment Board Act, 2015, the major function of the Recruitment Board is to prepare the select list for the candidates for the appointment to various posts in the Devaswom Boards as mentioned above. In exercise of the powers conferred by Section 18 of the Recruitment Board Act, 2015, the Kerala Government framed Kerala Devaswom Recruitment Board Rules, 2015 wherein Rule 7 of Chapter II prescribes the procedure for the conduct of examination to assess the merits of the candidates for recruitment to a service or post. Now the appointment to the posts held by the petitioners herein is made from the select list prepared by the Recruitment Board as per the relevant provisions of the Recruitment Board Act, 2015 and Rules framed thereunder.

**(iv) Operation of the Rules framed under Clause (e) of sub-section 2 of Section 35 of the TCHRI Act, 1950, during the interregnum.**

45. A question arises as to what is the statutory provision that

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governed appointment to the posts dealt with in Section 29A of the TCHRI Act, 1950 (omitted with effect from 10-11-2012) in the interregnum between the omission of Section 29A and the coming into force of the Recruitment Board Act, 2015.

46. Section 29A begins with the words “notwithstanding anything contained in this Act or in the Rules or the bye-laws made under relating to the recruitment..”. A non-obstante clause is generally appended to a section with a view to give the enacting part of the section, in case of conflict, an overriding effect over the provision in the same or Rule framed thereunder or other Act mentioned in the non-obstante clause. In other words, this clause empowers the legislation or a provision to override the effects of any other legal provisions contrary to this under the same law or any other law.

47. On the operation of a non-obstante clause, the learned Author Justice G.P Singh in his book 'Principles of Statutory Interpretation' [7<sup>th</sup> Edition] writes thus:

*“A clause beginning with 'notwithstanding anything contained in this Act or in some particular provision in the Act or in some particular Act or in any law for the time being in force', is sometimes appended to a section in the beginning, with a view to give the enacting part of the section in case of conflict an overriding effect over the provision or Act mentioned in the non*

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*obstante clause. It is equivalent to saying that in spite of the provision or Act mentioned in the non obstante clause, the enactment following it will have its full operation or that the provisions embraced in the non obstante clause will not be an impediment for the operation of the enactment. Thus a non obstante clause may be used as a legislative device to modify the ambit of the provision or law mentioned in the non obstante clause or to override it in specified circumstances .*

48. Thus, the non-obstante clauses are not to be regarded as repealing clauses nor as clauses which expressly or completely supersede any other provision of the law, but merely as clauses which removed all obstructions which might arise out of the provisions of any other law in the way of operation of the principal enacting provision to which the non-obstante clause is attached.

49. When Section 29A was incorporated in the TCHRI Act, 1950, the provisions in the special rules framed under clause 'e' of sub-section.2 of Section 35 of the TCHRI Act, 1950, that governed the appointment to the regular/permanent cadre in the Devaswom Board became practically inoperative in view of the non-obstante clause contained in Section 29A, and the moment Section 29A was omitted, the statutory efficacy of the Special rules framed under the TCHRI Act, 1950, got restored and continued to govern the field of appointment until the Recruitment Board Act, 2015 came into force.

50. Therefore, in the case of direct recruitment to the post of

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L.D Clerk/Sub Group Officers etc., the Special Rules framed under Section 35 of the TCHRI Act, 1950, governed the field till 05-06-2007, the date on which Section 29A was incorporated in the Act. With effect from 05-06-2007 Section 29A was incorporated in the TCHRI Act, 1950, whereby all appointments of officers and employees in the Devaswom Administrative Service for which direct recruitment is resorted to were directed to be made from the select list furnished by the Kerala Public Service Commission. So, during the period from 05-06-2007 to 10-11-2012, appointment to the posts held by the petitioners were to be made from the select list furnished by the Public Service Commission in accordance with the provisions in the Kerala Public Service Commission (Additional Functions As Respects the Administrative Services Under Devaswom Boards) Act, 2008 read with Kerala Public Service Commission (Additional Functions As Respects the Administrative Services Under Devaswom Boards) Rules, 2009.

51. Section 29A was omitted with effect from 10-11-2012, and the Recruitment Board Act, 2015 came into force with effect from 01-03-2014. During the period from 10-11-2012 to 01-03-2014, as

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discussed above, the Special Rules framed under Section 35 of the TCHRI Act, 1950, governed the field of appointment under consideration. With effect from 01-03-2014, appointment in the regular/permanent posts, including the posts held by the petitioners, can only be made from the select list of the candidates prepared by the Recruitment Board.

52. To sum up, all throughout, there has been statutory provision for the recruitment and appointment to the post of L.D Clerk, Sub Group Officer, etc., being the only mode of appointment that can be resorted to as per the relevant statutes that governed the field during the relevant periods.

### **E2. Selection and appointment of the petitioners.**

53. The petitioners were temporarily/provisionally appointed as L.D Clerk/L.D Auditor/Sub Group Officer by the Devaswom Board from the names sponsored by the Employment Exchange. They were selected after an interview and conducting police verification regarding their antecedents. Their temporary/provisional appointment was permitted by the Devaswom Bench of this Court as per order 26-09-2011 in DBP No.12/2008. The petitioners were

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temporarily/provisionally appointed in the vacancies then existed for 89 days with effect from 01-10-2011 [See Ext.R1(b)]. Later the petitioners were allowed to continue for a period not beyond 179 days.

54. At the time of the temporary appointment of the petitioners, Section 29A was there in the TCHRI Act, 1950, and since the posts to which the petitioners were appointed were the posts included in the schedule of the Kerala Public Service Commission (Additional Functions as Respects the Administrative Service Under the Devaswom Board) Rules 2009, consultation with the PSC was required for a temporary appointment for a total period exceeding 6 months. Hence the Devaswom Board decided to terminate the services of the petitioners on completion of the period of 179 days on the ground that the maximum period to which they can continue was 179 days.

55. The appointments of the petitioners were not in accordance with the procedure for selection of regular/permanent employees by direct recruitment in the Devaswom Board. They have not undergone a regular selection process. The Devaswom Board never intended to

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employ the petitioners beyond a period of 179 days.

**E3. Previous litigation between the petitioners and the Devaswom Board.**

56. The petitioners filed W.P(C) No.7260/2012 and connected cases before this Court challenging the decision of the Devaswom Board fixing the period of the temporary appointment at 179 days. In the above-referred writ petitions, the Devaswom Board contended that any appointment beyond 179 days required consultation with the Public Service Commission, and hence the petitioners were liable to be terminated. Section 29A was introduced with effect from 05-06-2007 whereby the appointments of the officers and employees under the Devaswom Administrative Service for which direct recruitment is resorted to were to be made from a select list of candidates belonging to Hindu religion by the Kerala Public Service Commission. As discussed above, the posts to which the petitioners were appointed temporarily were the posts included in the schedule of the PSC Rules, 2009. As per Rule 5 of the said Rules, consultation with the PSC was not required for a temporary appointment for a total period not exceeding 6 months to a post in a Devaswom Board

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to which appointment shall be made on the advice of the Commission. Therefore, any appointment beyond 179 days required consultation with the PSC. In this circumstance, the Devaswom Board issued direction to the Devaswom Commissioner to relieve the temporary appointees (petitioners) on the expiry of 179 days.

57. The above decision of the Devaswom Board was challenged in the above-referred writ petitions. By judgment dated 23-04-2013, the Division Bench held thus:

*“Even though it is argued by the learned Senior Counsel for the petitioners that the petitioners are entitled to continue at least till regular selections are held, we are of the view that as they have been appointed initially for a period of 89 days only, the later order by which they have been relieved on the expiry of 179 days does not call for any interference. The appointments are purely temporary in nature. It cannot be said that they have undergone a selection process to hold a regular post and going by the then existing provision under Sec.29A regular appointment can only be made through the Public Service Commission. Therefore, the provisional appointees cannot get any right for continuance and consequently will not get any right for regularisation. The terms of appointment alone will govern the matter.”*

58. The Division Bench, therefore, dismissed the petitions filed by the petitioners upholding the validity of the proceedings issued by the Devaswom Board, fixing the period of the temporary appointment at 179 days. The petitioners challenged the judgment of the Division Bench in SLP Nos.CC 19485-19488/2013 before the Supreme Court by filing Special Leave Petition, which was dismissed by order dated



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19-11-2013. Subsequently, the Devaswom Board issued Ext.P3 order limiting the service of the petitioners till 31-05-2016 A.N.

**E4. The Financial position of the Devaswom Board.**

59. The competent officer of the Devaswom Board filed an affidavit dated 14-06-2021 stating its financial position. It is submitted that there are 1250 temples under the Administrative Control of the Devaswom Board. The total number of sanctioned posts in various categories in the Devaswom Board is 5692, and the total number of pensioners is 5749. It is further submitted that the major sources of revenue of the Devaswom Board are the income received by way of offerings from devotees, the amount received from vazhipadu, and the revenue generated through the auction of the temple premises for various activities in connection with rituals and festivals in the temples. Besides this, the Devaswom Board gets an approximate sum of 14 crores per annum by way of the rent of the buildings owned by it. The annual contribution from the State Government under Article 290A of the Constitution of India is Rs.80 lakhs. It is further submitted that among the 1250 temples managed by the Devaswom Board, only 60 major temples are self-sufficient,

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and the rest are being managed utilising the surplus income from Sabarimala Devaswom. Now, due to the spread of the Covid-19 pandemic, the temples remain closed, and the major source of income has come down. The Devaswom Board is finding it difficult even to pay the salary of the existing employees. The pleadings regarding the financial position of the Devaswom Board in the affidavit dated 14-06-2021 have not been controverted by the petitioners.

**E5. Interim orders passed by this Court in these proceedings.**

60. In these writ petitions, this Court initially directed the status quo to be maintained as regards the services of the petitioners for a period of 2 months. Later the interim orders were extended until further orders. The Devaswom Board submitted before this Court that the Recruitment Board had already selected candidates for appointment to the posts of L.D Clerk, Sub Group Officer, etc., and that all the vacancies were reported and the Recruitment Board had already advised the candidates. On the basis of this submission, by order dated 07-10-2020, this Court vacated the interim order of status quo. The order dated 07-10-2020 reads thus:

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*“Having regard to the aforesaid factual situation, we are of the view that status quo order requires modification. We vacate the said orders of status quo and the Devaswom Board is directed to fill up the said vacancies as advised by the Board. It is made clear that during the pendency of the writ petitions, no retired hands shall be appointed to any of the vacancies.”*

The above order was passed in respect of all the writ petitions except W.P(C) No.34525/2019. In W.P(C) No.34525/2019, by order dated 22-12-2020, the interim order of status quo was vacated. The petitioners challenged the order dated 07-10-2020 before the Apex Court in SLP No.12567/2020. The Apex Court, by order dated 18-11-2020, dismissed the SLP and requested this Court to expedite the hearing of the writ petitions and dispose of them at the earliest and not later than three months from the date of order. We have made earnest efforts to dispose of these writ petitions at the earliest. Due to Covid-19 restrictions, we conducted the hearing of the matter through virtual mode. During the course of proceedings, taking into account the pleadings raised from both sides, the Devaswom Recruitment Board was impleaded as the 3<sup>rd</sup> additional respondent in W.P.(C)No.34525/2019. Thereafter additional pleadings were placed from the part of the Devaswom Board and the Recruitment Board, and the petitioners were given opportunity to submit further arguments based on the additional pleadings. The counsels on both

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sides sought adjournment on many occasions, which we were constrained to grant in view of the spread of the Covid-19 pandemic.

We conducted special sittings on 10-06-2021 and 16-06-2021. Then Roster change occurred, and thereafter a special sitting was conducted for completing the hearing.

**E6. The claim for regularisation in terms of the directions contained in paragraph 53 of the judgment in Umadevi's case.**

61. The learned counsel for the writ petitioners relied on the principle declared in ***Secretary, State of Karnataka and others v. Umadevi*** (supra) to contend that the petitioners are entitled to regularisation taking into account their length of service. The petitioners relied on paragraph 53 of the judgment in ***Umadevi's case*** (supra) to substantiate their contentions.

Paragraph 53 of the aforesaid judgment reads thus:

*“One aspect needs to be clarified. There may be cases where irregular appointments (not illegal appointments) as explained in S.V. Narayanappa [(1967) 1 SCR 128 : AIR 1967 SC 1071] , R.N. Nanjundappa [(1972) 1 SCC 409 : (1972) 2 SCR 799] and B.N. Nagarajan [(1979) 4 SCC 507 : 1980 SCC (L&S) 4 : (1979) 3 SCR 937] and referred to in para 15 above, of duly qualified persons in duly sanctioned vacant posts might have been made and the employees have continued to work for ten years or more but without the intervention of orders of the courts or of tribunals. The question of regularisation of the services of such employees may have to be considered on merits in the light of the principles settled*

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*by this Court in the cases above referred to and in the light of this judgment. In that context, the Union of India, the State Governments and their instrumentalities **should take steps to regularise as a one-time measure**, the services of such irregularly appointed, who have worked for ten years or more in duly sanctioned posts **but not under cover of orders of the courts** or of tribunals and should further ensure that regular recruitments are undertaken to fill those vacant sanctioned posts that require to be filled up, in cases where temporary employees or daily wagers are being now employed. The process must be set in motion within six months from this date. We also clarify that regularisation, if any already made, but not sub judice, need not be reopened based on this judgment, but there should be no further bypassing of the constitutional requirement and regularising or making permanent, those not duly appointed as per the constitutional scheme.”*

62. In **Umadevi** the Apex Court further held thus:

*“The rule of law compels the State to make appointments as envisaged by the Constitution and in the manner we have indicated earlier. In most of these cases, no doubt, the employees had worked for some length of time but this has also been brought about by the pendency of proceedings in Tribunals and courts initiated at the instance of the employees. Moreover, accepting an argument of this nature would mean that the State would be permitted to perpetuate an illegality in the matter of public employment and that would be a negation of the constitutional scheme adopted by us, the people of India. It is therefore not possible to accept the argument that there must be a direction to make permanent all the persons employed on daily wages. When the court is approached for relief by way of a writ, the court has necessarily to ask itself whether the person before it had any legal right to be enforced. Considered in the light of the very clear constitutional scheme, it cannot be said that the employees have been able to establish a legal right to be made permanent even though they have never been appointed in terms of the relevant rules or in adherence of Articles 14 and 16 of the Constitution.”*

63. The learned counsel for the Devaswom Board contended that the principles declared in **Umadevi’s case** will not give any benefit to the petitioners as they continued in service as per the interim orders of this Court.

64. In **Umadevi** (supra) the Apex Court declared that

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regularisation should be permitted only as a one-time measure subject to the conditions mentioned in paragraph 53 of the judgment in that case. The Apex Court further declared that there should be no further bypassing of the constitutional requirement and regularising or making permanent, those not duly appointed as per the constitutional scheme. Admittedly, the petitioners continued in service under cover of the interim orders of this Court. The petitioners were appointed with effect from 01-10-2011 as per R1(b) proceedings dated 26-09-2011, and they were terminated from the service with effect from 12-10-2020 as per proceedings dated 09-10-2020 [See Ext.P10 series in W.P(C) No.4157/2020]. None of the petitioners have continued to work for 10 years or more. Therefore, the petitioners are not entitled to regularisation in terms of the directions contained in paragraph 53 of the judgment in *Umadevi's* case (supra).

**E7. Rajnish Kumar Mishra & others v. State of U.P, and University of Delhi v. Delhi University Contract Employees Union and others.**

65. The learned Senior Counsel Sri.V.V.Asokan, relied on *Rajnish Kumar Mishra & others v. State of U.P* (supra) and

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***University of Delhi v. Delhi University Contract Employees Union and others*** (supra) to substantiate the claim of regularisation of the petitioners. In ***Rajnish Kumar Mishra's case*** (supra) the Apex Court was considering the regularisation of Class III employees, appointed on ad hoc basis on the creation of the Ambedkar Nagar Judgeship in Uttar Pradesh. Class III employees, recruited on ad hoc basis therein, were regularised by the District Judge concerned on 09-11-2012, but his successor in office declared that the orders of regularisation were non-est. The order of the District Judge was challenged before the Single Judge of the Allahabad High Court, but the same was dismissed. But the Division Bench held that the appellants therein were regularised in view of the provisions of the Uttar Pradesh regularisation of daily wages Appointments on Group "D" posts Rules, 2001, the cut-off date of which was 31-12-2001. The Apex Court held that since the appellants therein were appointed prior to 31-12-2001, the cut-off date provided in the rules of regularisation, they were entitled to be regularised.

66. In ***University of Delhi v. Delhi University Contract Employees Union and others*** (supra), the Apex Court held that

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the contract employees therein could not claim the relief of regularisation in terms of paragraph 53 of the judgment in ***Umadevi's case***. However, the respondents therein were directed that a window of opportunity must be given to the contract employees to compete with the available talent through public advertisement. In the case of ***Delhi University Contract Employees Union*** (supra), the Apex Court, in the facts and circumstances of the case, directed the respondent authority to grant grace marks to the contract employees subject to a maximum of 18 marks out of 300 marks which were relatable to the advantage of 6% as against the other contestants.

67. In the case of ***Rajnish*** the Apex Court upheld the claim of regularisation of the appellants therein, on the sole reason that they were regularised as per Uttar Pradesh regularisation of daily wages Appointments on Group "D" posts Rules, 2001 and in the case of ***University of Delhi*** the Apex Court did not uphold the claim of regularisation raised by the contract employees, but only directed the respondents to provide a window of opportunity to them to compete with the available talent, with grace mark on the basis of length of



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service put in by them.

68. In the instant case, the Recruitment Board has given weightage to the petitioners taking into account their services. The Recruitment Board has given age relaxation to the temporary employees who had served for a period of not less than one year to the extent of their length of service subject to the upper age limit of 50 years. It is relevant to note that the age of superannuation in the Devaswom Board is 56 years. The Recruitment Board has also given one mark, as a grace mark, for every completed three years subject to a maximum of 5 marks out of 100 marks in the written examination as a window of opportunity to the temporary employees to compete with the other candidates, thereby providing an advantage of 5% against the other candidates. The grant of grace mark and provision for age relaxation are evident from Anx.R2(a) notification issued by the Recruitment Board. On the basis of the oral submissions on both sides, we find that many of the petitioners have participated in the selection process done by the Recruitment Board.

**E8. Persons with Disabilities.**

69. The petitioners in W.P(C) Nos.19758/2016 and 34525/2019

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based their claim for regularisation, relying on the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and Rights of Persons with Disabilities Act, 2016. The petitioners claim that the respondents have not complied with the mandates of the Acts of 1995 and 2016. The petitioner in W.P(C) No.19758/2016 is a person with 40% physical disability, and the petitioner in W.P(C) No.34525/2019 is affected with 45% physical disability.

70. The additional 3<sup>rd</sup> respondent, Secretary to Devaswom Recruitment Board, filed an affidavit stating that the existing norms for selection of persons with disabilities have been strictly observed. It is submitted that as per the existing Rules, 3% reservation has been given to differently-abled candidates. A separate list has been prepared for differently-abled by including 5 candidates from each category (i.e., 5 from Low Vision, 5 from Hearing Impaired, and 5 from Locomotor/Cerebral Palsy) in the probability list published for the posts. It is further submitted that 183 candidates, who have secured 84 marks and above in the OMR test, were included in the probability list. For preparing the probability list and the

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supplementary list, in respect of differently-abled candidates, marks had been lowered to the extent necessary. The cut-off marks fixed for differently-abled candidates were as follows:

Low Vision	- 62.75 marks and above
Hearing-impaired	- 41.43 marks and above
Locomotor Disability/Cerebral Palsy	- 69.38 marks and above

71. The 3<sup>rd</sup> respondent submitted that the petitioner in W.P(C) No.34525/2019 has secured only 30.14 marks in the OMR test, and hence, she could not be included in the probability list. It is further submitted that 5 differently-abled candidates were advised from the present list.

72. The learned counsel for the petitioner in W.P(C) No.34525/2019 further contended that, as per the Act of 2016, an enhanced reservation of 4% is mandated, and the Recruitment Board has not complied with the said mandate. The learned counsel for the 3<sup>rd</sup> respondent Recruitment Board submitted that the additional 1% reservation for persons coming under the categories 'd' and 'e' of Section 34 of the Act of 2016 could not be effectuated in view of G.O(P) No.12/2019/SWD dated 31-10-2019, which contemplates a

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report by an Expert Committee. To a query from the court, relying on Section 33(ii) of the Act of 2016, the learned counsel submitted that appointment of persons, under the categories 'd' and 'e' of Section 34, can only be made after identification of the posts, to which those persons can be appointed, by the Government on the recommendation of the expert committee constituted for that purpose. The learned counsel for the respondents further submitted that the process of identification of such posts is under way, and as soon as such identification is made by the Government in this regard, the relevant provisions in the Act will be complied with, in letter and spirit.

73. As a matter of fact, the non-implementation of the additional 1% reservation will not cause any prejudice to the present petitioners as they have no case that any of them belongs to categories 'd' and 'e' as provided in Section 34 of the Act of 2016.

**Eg. Legitimate expectation.**

74. The learned Senior Counsel further submitted that the petitioners are entitled to the protection of the principle of “legitimate expectation”. The contention of the learned Senior Counsel is based

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on the factual position that the petitioners have spent the best portion of their life by rendering service to the Devaswom Board and that they had the legitimate expectation that they would be permitted to continue.

75. The learned counsel for the Devaswom Board countered and submitted that doctrine of legitimate expectation cannot be made applicable in the given facts and circumstances, as the petitioners had no reason to expect that their services would be regularised as they were selected only for a period of 89 days. It is common ground that the petitioners were appointed only for a period of 89 days, and their services were later limited to 179 days, and subsequently, they were allowed to continue as per the orders of the court with an artificial break. The petitioners were never appointed, following the rules and procedures for regular recruitment. At the time of appointment of the petitioners, that is, in 2011, regular recruitment in the Devaswom Board was done from the select list prepared by the Public Service Commission. After the omission of Section 29A from the TCHRI Act, 1950, the Special Rules framed under the TCHRI Act governed the field of appointment, and with the enactment of the Devaswom

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Recruitment Board Act, 2015 appointments to regular/permanent posts are made from the select list prepared by the Recruitment Board.

76. The doctrine of legitimate expectation is founded on the principles of fairness in government dealings. It comes into play if a public body leads an individual to believe that he will be a recipient of a substantive benefit. The Government and its departments, in administering the affairs of the country, are expected to honour their statements of policy or intention and treat the citizens with full personal consideration without any iota of abuse of discretion. The policy statements cannot be disregarded unfairly or applied selectively. Unfairness in the form of unreasonableness is akin to a violation of natural justice. It was in this context that the doctrine of “legitimate expectation” has been held to require reliance on representations and resulting detriment to the claimant in the same way as claims based on promissory estoppel.

77. The Apex Court in ***Union of India v. Hindustan Development Corporation*** [1993 (3) SCC 499] considered the doctrine of legitimate expectation and held thus in paragraph 28:

“28.....For legal purposes, the expectation cannot be the same as

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*anticipation. It is different from a wish, a desire or a hope nor can it amount to a claim or demand on the ground of a right. However earnest and sincere a wish, a desire or a hope may be and however confidently one may look to them to be fulfilled, they by themselves cannot amount to an assertable expectation and a mere disappointment does not attract legal consequences. A pious hope even leading to a moral obligation cannot amount to a legitimate expectation. The legitimacy of an expectation can be inferred only if it is founded on the sanction of law or custom or an established procedure followed in regular and natural sequence. Again it is distinguishable from a genuine expectation. Such expectation should be justifiably legitimate and protectable. Every such legitimate expectation does not by itself fructify into a right and therefore it does not amount to a right in the conventional sense.”*

78. In **Chanchal Goyal (Dr.) v. State of Rajasthan** [2003 (3) SCC 485] while considering the claim for absorption in regular cadre/regularisation of service by the appellants therein, the Apex Court in paragraph 23 held thus:

*“On the facts of the case delineated above, the principle of legitimate expectation has no application. It has not been shown as to how any act was done by the authorities which created an impression that the conditions attached in the original appointment order were waived. Mere continuance does not imply such waiver. No legitimate expectation can be founded on such unfounded impressions. It was not even indicated as to who, if any and with what authority created such impression. No waiver which would be against requisite compliances can be countenanced. Whether an expectation exists is, self-evidently, a question of fact. Clear statutory words override any expectation, however, founded. (See Regina v. Director of Public Prosecutions, Ex parte Kebilene and Ors. (1999) 3 WLR 972 (H.L.).”*

79. In **Umadevi**, while dealing with the claim of the employees based on the doctrine of legitimate expectation, the Apex Court, in paragraph 46 held thus:

*“.....The doctrine can be invoked if the decisions of the administrative authority affect the person by depriving him of some benefit or advantage which either (i) he had in the past been permitted by the decision-maker to enjoy and which he can legitimately expect to be*

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*permitted to continue to do until there have been communicated to him some rational grounds for withdrawing it on which he has been given an opportunity to comment; or (ii) he has received assurance from the decision-maker that they will not be withdrawn without giving him first an opportunity of advancing reasons for contending that they should not be withdrawn.”*

80. The petitioners were never engaged in the Devaswom Board based on a proper selection as recognised by the relevant rules of procedure. When a person enters a temporary employment or gets engagement as a contractual or casual worker, and the engagement is not based on a proper selection, as recognised by the relevant rules of procedure, he is aware of the consequence of the appointment being temporary. Such a person cannot invoke the theory of legitimate expectation for being confirmed in the post when an appointment to the post could be made only by following a proper procedure for selection.

81. The pleadings of the petitioners and the records placed before the court do not show that the Devaswom Board had ever given any assurance, much less a promise to the petitioners that they will get absorbed against the substantive posts.

82. Hence, we are of the firm view that the petitioners are not entitled to invoke the theory of legitimate expectation for compelling the Devaswom Board to absorb them in the substantive posts by



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regularising their services.

**E10. Res Judicata.**

83. The learned counsel for the Devaswom Board submitted that the writ petitions are barred by the principle of *res judicata*, and hence, the petitions are liable to be dismissed in limine. It is submitted that the petitioners, except the petitioner No.31 in W.P(C) No.18494/2016, had earlier filed W.P(C) No.7260/2012 and connected cases before this Court, seeking their regularisation in the services of the Devaswom Board and those petitions were dismissed by judgment dated 23-04-2013, and the SLP challenging the judgment of dismissal was also dismissed by the Apex Court by order dated 19-11-2013. It is further submitted that the petitioners have sought for the reliefs, prayed for, and refused in the previous litigations, as reliefs in these writ petitions. The learned Senior Counsel for the petitioners contended that the present petitions are not based on the cause of action, which formed the foundation of the writ petition No.7260/2012 and connected cases. The contention of the petitioners is that the former writ petitions were preferred on the foundation that no selections and recruitment were made in

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pursuance of the provisions contained in Section 29A of the TCHRI Act, 1950, and the cause of action for the present petitions arose consequent to the constitution of the Recruitment Board. In the present petitions, the petitioners have pleaded that even though the Recruitment Board was constituted, no select list was prepared to effect regular appointments, and in the absence of a select list, the petitioners are entitled to continue in their respective posts and for regularisation.

84. It is trite that the principle of *res judicata* is applicable to writ proceedings. {See ***Direct Recruit Class –II Engineers Officers' Association v. State of Maharashtra & Others*** [(1990) 2 SCC 715], ***Himachal Pradesh Road Transport Corporation v. Balwant Singh*** [1993 Supp (1) SCC 552] and ***P.Bandopadhyaya v. Union Of India*** [2019 (13) SCC 42]}.

85. The rule of *res judicata* is that a court shall not try any suit or issue in which the matter that is directly in issue has been directly or indirectly heard and decided in a 'former suit'. The plea of *res judicata* is based on public policy to put an end to litigation. The basic principle of the rule of *res judicata* is that when the cause of

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action for the second suit being merged in the judgment of the first one, it does not survive anymore.

86. In ***Hope Plantations Ltd. v. Taluk Land Board, Peermade and another*** [(1999) 5 SCC 590], the Apex Court held thus:

*“Law on res judicata and estoppel is well understood in India and there are ample authoritative pronouncements by various courts on these subjects. As noted above, the plea of res judicata, though technical, is based on public policy in order to put an end to litigation. It is, however, different if an issue which had been decided in an earlier litigation again arises for determination between the same parties in a suit based on a fresh cause of action or where there is continuous cause of action. The parties then may not be bound by the determination made earlier if in the meanwhile, law has changed or has been interpreted differently by a higher forum...”*

87. The issues raised before this Court in W.P(C)No.7260/2012 and other connected cases have become final. But, the present writ petitions are based on the pleadings that even though the Recruitment Board was constituted, no select list was published, and hence the petitioners are entitled to regularisation, whereas the cause of action in W.P(C) No.7260/2012 and other connected cases was based on the pleadings that no selection and recruitment were made as provided in Section 29A of the TCHRI Act, 1950. Section 29A was later omitted from the TCHRI Act, 1950 and the Recruitment Board Act, 2015, came into force. Therefore, the

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present writ petitions are, technically, based on a fresh cause of action and, hence the principle of *res judicata* may not be applicable.

88. However, the reasonings applied by this Court, while declining the claim of the petitioners for regularisation in W.P(C) No.7260/2012 and connected cases, are relevant. This Court held that the petitioners had not undergone a selection process to hold a regular post and, hence, going by the then existing provision under Section 29A in the TCHRI Act, a regular appointment could only be made through the Public Service Commission and, therefore, the provisional appointees cannot get any right for continuance and resultantly, they will not get any right for regularisation. This Court held that the terms of appointment alone would govern the matter. The finding of this Court in W.P(C) No.7260/2012 and connected cases, based on the above reasoning, ended in finality as early as on 19-11-2013 with the dismissal of the SLP challenging the common judgment of dismissal of those writ petitions. The only difference, in the foundation of the present writ petitions, from the earlier writ petitions, is that Section 29A of the TCHRI Act, 1950, was deleted, and the Devaswom Recruitment Board came into effect for the

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purpose of conducting recruitment to the various posts in the Devaswom Board. The precedential value of the principle applied by this Court in W.P(C) No.7260/2012 and connected cases and its *ratio decidendi* will apply with equal force and vigour even though the ground of *res judicata* may not be, technically, applicable in the instant cases.

**E11. The claim of the petitioners based on past regularisation.**

89. The learned Senior Counsel for the petitioners further submitted that the Devaswom Board, earlier on several occasions, had regularised the services of employees absorbed through Employment Exchange on a temporary basis, and therefore, it is highly discriminative that the petitioners, who are like the others who were regularised in the past, who also had gone through a selection procedure, are now thrown out of service in an arbitrary fashion. The learned counsel for the Devaswom Board submitted that, earlier, temporary/contract/daily wages appointments were resorted to only in exceptional and emergent situations, and those employees were absorbed after conducting written test/interview

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and the same was reported to the Devaswom Bench of this Court.

90. Regularisation of employees, appointed without following the statutory procedures, cannot be treated as a normal mode, and such illegality cannot be allowed to perpetrate. Where the State and its instrumentalities are bound to follow procedures in consonance with law, illegality, if any, committed by the respondents cannot be the basis for seeking the benefit of Article 14 of the Constitution of India.

91. In **Umadevi** (supra), the Apex Court held that past alleged regularisation or appointment does not connote entitlement to further regularisation or appointment. In **State Of U.P v. Neeraj Awasthi** [(2006) 1 SCC 667] the Apex Court held thus:

*“The fact that all appointments have been made without following the procedure or services of some persons appointed have been regularised in past, in our opinion, cannot be said to be a normal mode which must receive the seal of the court. Past practice is not always the best practice. If illegality has been committed in the past, it is beyond comprehension as to how such illegality can be allowed to perpetrate. The State and the Board were bound to take steps in accordance with law. Even in this behalf Article 14 of the Constitution of India will have no application. Article 14 has a positive concept. No equality can be claimed in illegality is now well settled. [See State of A.P. v. S.B.P.V. Chalapathi Rao (1995) 1 SCC 724, para 8, Jalandhar Improvement Trust v. Sampuran Singh (1999) 3 SCC 494, SCC para 13 and State of Bihar v. Kameshwar Prasad Singh (2000) 9 SCC 94, para 30]. “*

92. Therefore, the contention of the petitioners that they are entitled to be treated like those regularised in the past without

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following the statutory procedures will not sustain.

**E12. Scheme for Regularisation.**

93. The learned Senior Counsel further submitted that, in the Guruvayoor Devaswom Board, in a similar fact situation, a scheme was being framed for regularisation of the provisionally appointed employees. The learned Senior Counsel urged to issue a direction to the Devaswom Board to frame a scheme for the regularisation of the petitioners.

94. In exercise of its discretion under Article 226 of the Constitution of India, this Court has no jurisdiction to direct the State or its instrumentalities to frame a scheme for regularising the services of ad hoc employees who had not been appointed in terms of the statutory procedures framed in this regard. Such a scheme, if framed, would violate the constitutional principles as the State is bound to make appointments only in fulfilment of its constitutional obligation as laid down in Articles 14, 15 and 16 of the Constitution of India.

95. The Apex Court in ***State of Karnataka v. KGSD Kanteen Employees' Welfare Association*** [2006 (1) SCC 567]

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held that the High Court has no jurisdiction to frame a scheme by itself or direct the framing of a scheme for regularisation. Paragraph 44 of the judgment in ***State of Karnataka v. KGSD Kanteen Employees' Welfare Association*** reads thus:

*“The question which now arises for consideration is as to whether the High Court was justified in directing regularisation of the services of the respondents. It was evidently not. In a large number of decisions, this Court has categorically held that it is not open to a High Court to exercise its discretion under Article 226 of the Constitution of India either to frame a scheme by itself or to direct the State to frame a scheme for regularising the services of ad hoc employees or daily wages employees who had not been appointed in terms of the extant service rules framed either under a statute or under the proviso to Article 309 of the Constitution. Such a scheme, even if framed by the State, would not meet the requirements of law as the executive order made under Article 162 of the Constitution cannot prevail over a statute or statutory rules framed under proviso to Article 309 thereof. The State is obligated to make appointments only in fulfilment of its constitutional obligation as laid down in Articles 14, 15 and 16 of the Constitution and not by way of any regularisation scheme. In our constitutional scheme, all eligible persons similarly situated must be given opportunity to apply for and receive considerations for appointments at the hands of the authorities of the State. Denial of such a claim by some officers of the State times and again had been deprecated by this Court. In any view, in our democratic polity, an authority howsoever high it may be cannot act in breach of an existing statute or the rules which hold the field.”*

96. At this juncture, it is also relevant to consider the financial condition of the Devaswom Board. The plea of the Devaswom Board that it is finding it difficult even to pay the salary of the existing employees, which remains unchallenged, deserves consideration. Hence the claim of the petitioners seeking regularisation by framing a scheme fails.



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**E13. Cash security.**

97. The petitioners have pleaded that at the time of appointment, they were required to furnish security in the sum of Rs.50,000/- in favour of the Commissioner of the Devaswom Board by way of bank guarantee or cash or surety bond. This pleading of the petitioners has not been specifically challenged by the Devaswom Board. Exhibit P2, a Memo dated 26-09-2011 issued to one of the petitioners in W.P(C) No.18400/2016, would show that the Devaswom Commissioner had required cash security as pleaded. Furnishing cash security as contended by the petitioners will not confer any right for regularisation of service as they were not appointed following the statutory procedures framed for the appointment to the regular/permanent cadre. The learned counsel for the Devaswom Board submitted that the Board would refund the cash security, if any furnished by the petitioners at the time of their appointment. Therefore, we hold that if the petitioners have furnished cash security as pleaded, the Devaswom Board is bound to refund the amounts due to them.

**E14. Termination of the petitioner in W.P(C)**

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**No.34525/2019 while the interim stay was in force.**

98. The learned counsel for the petitioner in W.P(C) No.34525/2019 contended that the petitioner therein was terminated from the service while the interim order prohibiting the respondents from terminating her was in force. It is further submitted that, as the petitioner was terminated while the interim order of stay was in force, she was liable to be restored to service. The learned counsel for the Devaswom Board contended that the interim order of stay in respect of all the writ petitioners, except the writ petitioner in W.P(C) No.34525/2019, was vacated by this Court and the interim order in respect of the petitioner herein was later vacated by this Court, by order dated 22-12-2020, holding that she had no special right, for regularisation or for continuance, in service. The interim order of status quo was passed in favour of the petitioners when they challenged Ext.P3 proceedings of the Devaswom Board, limiting their period of service till 31-05-2016. The said interim order was vacated on 07-10-2020, and the same was challenged before the Apex Court in SLP No.12567/2020. The Apex Court dismissed the SLP by order dated 18-11-2020. As we have held that the petitioner herein has not

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established any right for regularisation in service, her termination, while the interim stay was in force, has no consequence, especially when this Court had ratified the act of termination and this cannot be termed as abuse of legal process. The interim order dated 22-12-2020 passed in W.P(C) No.34525/2019 is under challenge in W.A No.196/2021. Hence the appeal fails.

#### **F. CONCLUSION**

99. On the basis of the above discussion, we come to the following conclusions:

1. The Travancore Devaswom Board has had statutory procedures for recruitment to the regular/permanent posts all throughout as narrated below:

In view of Section 29A of the TCHRI Act, 1950, during the period of the temporary/provisional appointment of the petitioners (with effect from 01-10-2011), appointment to regular/permanent posts held by the petitioners was to be done only from the select list prepared by the Kerala Public Service Commission as per Kerala Public Service Commission (Additional Functions As Respects the Administrative Services

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Under Devaswom Boards) Act, 2008 read with Kerala Public Service Commission (Additional Functions As Respects the Administrative Services Under Devaswom Boards) Rules, 2009. With effect from 10-11-2012, Section 29A was omitted from the TCHRI Act, 1950, and the Kerala Public Service Commission (Additional Functions As Respects the Administrative Services Under Devaswom Boards) Act, 2008 was repealed as per Act 1 of 2014 aforementioned. Therefore, during the period from 10-11-2012 to 01-03-2014, Rules 4, 9, 12 read with Schedule III of the Special Rules framed under Section 35 of the TCHRI Act, 1950 governed the field of appointment. On 01-03-2014, the Kerala Devaswom Recruitment Board Act, 2015 came into force, by which an autonomous Devaswom Recruitment Board was constituted, for preparing the select list of candidates for appointment in various posts other than hereditary posts and posts in aided educational institutions in the Devaswom Boards of the State of Kerala. With effect from 01-03-2014, appointment to regular/permanent posts in respect of the posts held by the

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petitioners can only be done from the select list prepared by the Recruitment Board.

2. The petitioners have never undergone a selection process as per the statutory scheme prescribed to hold a regular/permanent post in the Devaswom Board.
3. The petitioners were appointed provisionally in the existing vacancies initially for a period of 89 days, and they were allowed to continue for a period, not beyond 179 days and the Devaswom Board never intended to allow the petitioners to continue for a period beyond 179 days.
4. The petitioners continued in the service of the Devaswom Board beyond the period of 179 days under cover of orders of this Court during the various stages of the litigative proceedings.
5. Since statutory procedures were in existence, for the appointment to the regular/permanent cadre all throughout the period during which the petitioners held posts in the Devaswom Board, and the petitioners have not gone through the selection process prescribed by the statutes that governed

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the field, they are not entitled to regularisation as claimed.

6. In ***Umadevi*** (supra) the Apex Court declared that regularisation should be permitted only as a one-time measure subject to the conditions mentioned in paragraph 53 of the judgment. The petitioners remained in the service of the Devaswom Board as per the orders of this Court during various stages of litigative proceedings. Moreover, they have not continued to work up to the cut-off period of ten years, prescribed in paragraph 53 of the judgment in ***Umadevi***. Therefore, the petitioners are not entitled to regularisation in terms of the directions contained in paragraph 53 of the judgment in ***Umadevi*** (supra).
7. The Devaswom Board is obliged to make appointments to the permanent/regular posts following the statutory procedures framed in this regard and in fulfilment of the constitutional obligation as laid down in Articles 14, 15, and 16.
8. The petitioners are not entitled to the benefit of the doctrine of legitimate expectation for seeking regularisation of their services.

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9. The petitioners cannot press for following any past practice of regularisation as the Devaswom Board is duty-bound to make appointments in accordance with law, and illegality committed in the past cannot be allowed to perpetrate in view of the declaration of law in ***Umadevi*** (supra) and in ***State of U.P. v. Neeraj Awasthi*** (supra).
10. In view of the law declared in ***State of Karnataka v. KGSD Kanteen Employees' Welfare Association*** (supra), the petitioners cannot press for a scheme for regularisation as the Devaswom Board has the constitutional obligation to make appointment only in fulfilment of the statutory procedures regarding appointment. Framing of a scheme for regularisation will be in violation of Articles 14, 15, and 16 of the Constitution.
11. Resultantly, the petitioners have failed to establish any legal right to be enforced against the respondents for regularisation of their services.
12. The Devaswom Board shall refund the cash security, if any furnished by the petitioners at the time of appointment, in

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accordance with law.

100. In the result, the writ petitions, as well as the writ appeal, shall stand dismissed.

Pending interlocutory applications, if any, shall stand closed.

Sd/-  
**ALEXANDER THOMAS, JUDGE**

Sd/-  
**K.BABU, JUDGE**

KAS



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**APPENDIX OF WP (C) 18484/2016**

PETITIONER EXHIBITS

- P1 TRUE COPY OF THE JUDGMENT DATED  
23.4.2013 IN WP(C)NO.7260/2012 AND  
CONNECTED CASES
- P2 TRUE COPY OF THE ORDER DATED 19.11.2013
- P3 TRUE COPY OF THE ORDER DATED 28.4.2016
- P4 TRUE COPY OF THE LETTER DATED 3.5.2016
- P5 TRUE COPY OF THE PROCEEDINGS DATED  
25.5.2012.
- Exhibit P6 A TRUE COPY OF THE INTERIM ORDER PASSED  
BY THIS HON'BLE COURT IN WPC NO.  
18484/2016 AND CONNECTED CASES DATED  
07/10/2020
- Exhibit P7 A TRUE COPY OF THE ORDER NO. ROC  
2516/2009/ESTA(A) DATED 09/10/2020  
ISSUED BY 4TH RESPONDENT.
- Exhibit P7(A) A TRUE COPY OF THE TERMINATION ORDER  
NO. ROC 75/20/EST. ISSUED BY 2ND  
RESPONDENT DATED 09/10/2020 TO THE 1ST  
PETITIONER.
- Exhibit P7(B) A TRUE COPY OF THE TERMINATION ORDER  
NO. ROC 88/87/AUDIT ISSUED BY THE 2ND  
RESPONDENT DATED 09/10/2020 TO THE 1ST  
PETITIONER.
- Exhibit P8 A TRUE COPY OF THE FINAL ORDER OF THE  
HONOURABLE SUPREME COURT OF INDIA IN  
SLP(C) NO. 12567/2020 AND CONNECTED  
CASES DATED 18/11/2020.
- Exhibit P9 A TRUE COPY OF THE REPRESENTATION  
SUBMITTED BY THE 1ST PETITIONER BEFORE  
THE 2ND RESPONDENT DATED 23/11/2020  
ALONG WITH THE SPEED POST RECEIPT.
- Exhibit P9(A) A TRUE COPY OF THE REPRESENTATION  
SUBMITTED BY THE 2ND PETITIONER BEFORE  
THE 2ND RESPONDENT DATED 24/11/2020  
ALONG WITH THE SPEED POST RECEIPT.

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- Exhibit P10 A TRUE COPY OF THE REPRESENTATION SUBMITTED BY 1ST PETITIONER BEFORE THE CHAIRMAN, KERALA DEVASWOM RECRUITMENT BOARD DATED 23/11/2020 ALONG WITH THE SPEED POST RECEIPT.
- Exhibit P10(A) A TRUE COPY OF THE REPRESENTATION SUBMITTED BY 2ND PETITIONER BEFORE THE CHAIRMAN, KERALA DEVASWOM RECRUITMENT BOARD DATED 23/11/2020 ALONG WITH THE SPEED POST RECEIPT.
- Exhibit P11 A TRUE COPY OF THE MEMO ROC NO. 2516/09/EST. DATED 26/09/2011 ISSUED TO THE 1ST PETITIONER.
- Exhibit P12 A TRUE COPY OF THE ORDER DATED 10/01/2020 PASSED BY THE HONOURABLE SUPREME COURT OF INDIAN SLP (C) NO.33174/2017.
- Exhibit P12(A) A TRUE COPY OF THE AFFIDAVIT WITHOUT ANNEXURE FILED BY THE SECRETARY, GURUVAYOOR DEVASWOM MANAGING COMMITTEE DATED 28/07/2020 BEFORE THE HON'BLE SUPREME COURT OF INDIA IN SLP(C) NO. 33174/2017.
- Exhibit P12(B) A TRUE COPY OF THE ORDER DATED 24/01/2020 PASSED BY THE HONOURABLE SUPREME COURT OF INDIA INBSLP(C) NO. 33174/2017.

RESPONDENT EXHIBITS

- ANNEXURE R1 TRUE COPY OF THE JUDGMENT IN WPC NO.7260/2012 DATED 23-04-2013
- ANNEXURE R2 TRUE COPY OF THE RELEVANT PORTION OF THE SELECT LIST
- ANNEXURE R3 TRUE COPY OF THE JUDGMENT DATED 20-01-2020 IN WPC 34451/2018
- ANNEXURE R4 TRUE COPY OF THE ORDER DATED 07-10-2020 IN WPC NO.18484/2016
- ANNEXURE R5 TRUE COPY OF THE ORDER DATED 18-11-2020 IN SLP NO.12567/2020 OF THE HON'BLE SUPREME COURT OF INDIA

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ANNEXURE R6	TRUE COPY OF THE DECISION OF THE HON'BLE SUPREME COURT IN OFFICIAL LIQUIDATOR V. DAYANAND AND OTHERS REPORTED IN (2008) 10 SCC 1
ANNEXURE R3 (a)	TRUE COPY OF THE AMENDMENT TO THE RULES PUBLISHED AS PER NOTIFICATION DATED 20- 03-1987.

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19758/2016, 34525/2019, 4157/2020  
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**APPENDIX OF WP(C) 4157/2020**

PETITIONER EXHIBITS

- EXHIBIT P1 TRUE COPY OF THE APPOINTMENT ORDER OF THE 1ST PETITIONER DATED 28/9/2011 IN THE EXISTING VACANCY FOR 89 DAYS FROM 1/10/2011 AS L.D.CLERK IN THE OFFICE OF THE CHIEF ENGINEER (GENERAL), TRAVANCORE DEVASWOM BOARD, THIRUVANANTHAPURAM.
- EXHIBIT P2 TRUE COPY OF THE APPOINTMENT ORDER OF THE 3RD PETITIONER DATED 26/09/2011 APPOINTING HIM AS LD CLERK/2ND GRADE SUB GROUP OFFICER AND POSTING WAS GIVEN AS 2ND GRADE ACCOUNTANT, PEROOR DEVASWOM, ULLOOR GROUP.
- EXHIBIT P3 TRUE COPY OF THE ORDER OF THE CHIEF ENGINEER (GENERAL) DATED 21/01/2012 PROVISIONALLY APPOINTING THE 1ST AND 2ND PETITIONERS IN THE OFFICE OF THE EXECUTIVE ENGINEER, ESTATE DIVISION, THIRUVANANTHAPURAM.
- EXHIBIT P4 TRUE COPY OF THE ORDER DATED 28/4/2016 OF THE 2ND RESPONDENT.
- EXHIBIT P5 TRUE COPY OF THE LETTER DATED 3/5/2016 ISSUED BY THE EXECUTIVE ENGINEER, ESTATE DIVISION, HINDUMATHA GRANDHSALA, PUTHENCHANTHA, THIRUVANANTHAPURAM.
- EXHIBIT P6 TRUE COPY OF THE PROCEEDINGS DATED 25/5/2012 ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT P7 TRUE COPY OF THE REPRESENTATION DATED 06/01/2020 GIVEN BY PETITIONERS TO THE 1ST RESPONDENT.
- EXHIBIT P8 TRUE COPY OF THE INTERIM ORDER DATED 27/5/2016 IN W.P(C) NO.18484 OF 2016.
- EXHIBIT P9 A TRUE COPY OF THE INTERIM ORDER PASSED BY THIS HON'BLE COURT IN W.P(C)NO. 4157 OF 2020 AND CONNECTED CASES DATED 07-10-2020

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19758/2016, 34525/2019, 4157/2020  
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- EXHIBIT P10                    A TRUE COPY OF THE ORDER NO.ROC  
2516/2009/ESTA (A) DATED 09-10-2020  
ISSUED BY 4TH RESPONDENT.
- EXHIBIT P10 (a)                A TRUE COPY OF THE TERMINATION ORDER  
NO.326 ISSUED BY EXECUTIVE ENGINEER,  
ESTATE DIVISION DATED 12-10-2020 TO THE  
1ST PETITIONER.
- EXHIBIT P10 (b)                A TRUE COPY OF THE TERMINATION ORDER  
NO.1916 ISSUED BY CHIEF ENGINEER DATED  
12-10-2020 TO THE 2ND PETITIONER.
- EXHIBIT P11                    A TRUE COPY OF THE FINAL ORDER OF THE  
HON'BLE SUPREME COURT OF INDIA IN SLP  
(c)NO.12567/2020 AND CONNECTED CASES  
DATED 18-11-2020.
- EXHIBIT P12                    A TRUE COPY OF THE REPRESENTATION  
SUBMITTED BY THE 1ST PETITIONER BEFORE  
THE 2ND RESPONDENT DATED 23-11-2020  
ALONG WITH THE SPEED POST RECEIPT.
- EXHIBIT P12(a)                A TRUE COPY OF THE REPRESENTATION  
SUBMITTED BY THE 2ND PETITIONER BEFORE  
THE 2ND RESPONDENT DATED 23-11-2020  
ALONG WITH THE SPEED POST RECEIPT.
- EXHIBIT P13                    A TRUE COPY OF THE REPRESENTATION  
SUBMITTED BY 1ST PETITIONER BEFORE THE  
CHAIRMAN, KERALA DEVASWOM RECRUITMENT  
BOARD DATED 23-11-2020 ALONG WITH THE  
SPEED POST RECEIPT.
- EXHIBIT P13(a)                A TRUE COPY OF THE REPRESENTATION  
SUBMITTED BY 2ND PETITIONER BEFORE THE  
CHAIRMAN, KERALA DEVASWOM RECRUITMENT  
BOARD DATED 23-11-2020 ALONG WITH THE  
SPEED POST RECEIPT.

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19758/2016, 34525/2019, 4157/2020  
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EXHIBIT P14 A TRUE COPY OF THE ORDER DATED 10-01-2020 PASSED BY THE HON'BLE SUPREME COURT OF INDIA IN SLP (c) NO.33174/2017

EXHIBIT P14 (a) A TRUE COPY OF THE AFFIDAVIT FILED BY THE SECRETARY, GURUVAYOOR DEVASWOM MANAGING COMMITTEE DATED 28-07-2020 WITHOUT ANNEXURES BEFORE THE HON'BLE SUPREME COURT OF INDIA IN SLP(C)NO.33174/2017

EXHIBIT P14 (b) A TRUE COPY OF THE ORDER DATED 24-01-2020 PASSED BY THE HON'BLE SUPREME COURT OF INDIA IN SLP(C)NO.33174/2017.

EXHIBIT P15 A TRUE COPY OF THE ORDER NUMBER ROC NO.245/09/Est-1 DATED 25-02-2021 ISSUED BY THE 2ND RESPONDENT.

RESPONDENT EXHIBITS

EXHIBIT R1 (a) A TRUE COPY OF THE JUDGMENT DATED 23/4/2013 IN WPC NO.7260/2012

EXHIBIT R1 (b) A TRUE COPY OF THE PROCEEDINGS DATED 26/9/2011 ISSUED BY THE TRAVANCORE DEVASWOM BOARD

EXHIBIT R1 (c) A TRUE COPY OF THE LETTER DATED 16/6/2017 FORWARDED BY THE SECRETARY, KERALA DEVASWOM RECRUITMENT BOARD TO THE TRAVANCORE DEVASWOM BOARD.

EXHIBIT R1 (d) A TRUE COPY OF THE SCHEDULE TO THE REPORT IN THE MATTER OF REDEPLOYMENT OF CLERK/11ND GRADE SUB GROUP OFFICER AND SENIOR CLERK/ FIRST GRADE SUB GROUP OFFICER IN THE TRAVANCORE DEVASWOM BOARD

EXHIBIT R1 (E) A TRUE COPY OF THE LETTER DATED 16/12/2019 FORWARDED BY THE SECRETARY TRAVANCORE DEVASWOM BOARD

EXHIBIT R1 (f) A TRUE COPY OF THE ORDER DATED 20/01/2020 IN THE WPC.NO.34451 OF 2018

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19758/2016, 34525/2019, 4157/2020  
& W.A No. 196/2021

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**APPENDIX OF WP (C) 18400/2016**

PETITIONER EXHIBITS

- P1 COPY OF THE ORDER DTD.26.9.2011 ISSUED BY THE RESPONDENT DEVASWOM BOARD TO THE 6TH PETITIONER.
- P2 COPY OF THE ORDER DTD.26.9.2011 ISSUED BY THE RESPONDENT DEVASWOM BOARD TO THE 11TH PETITIONER.
- P2 (A) COPY OF THE PROCEEDINGS DTD.26.9.2011 ISSUED BY THE RESPONDENT BOARD WITH LIST OF EMPLOYEES.
- P3 COPY OF THE ORDER ROC NO.4272/10/EST-2, DTD.11.3.2016 ISSUED BY THE RESPONDENT DEVASWOM BOARD.
- P4 COPY OF THE PROCEEDINGS ROC 20/07/ESTT-2 DTD.25.5.2012 ISSUED BY THE RESPONDENT DEVASWOM BOARD.
- P5 COPY OF THE PROCEEDINGS DTD.4.1.2011 ISSUED BY THE RESPONDENT DEVASWOM BOARD.
- P6 COPY OF THE ORDER 19.3.2012 ISSUED BY THE RESPONDENT DEVASWOM BOARD.
- P7 COPY OF THE ORDER DTD.24.7.2012 ISSUED BY THE RESPONDENT DEVASWOM BOARD.
- P8 COPY OF THE CHARTER OF DEMANDS OF THE TRADE UNION OF TRAVANCORE DEVASWOM BOARD.
- P9 COPY OF THE ORDER DTD.28.4.2016 ISSUED BY THE RESPONDENT DEVASWOM BOARD.
- P10 COPY OF THE ORDER DTD.10.5.2016 ISSUED BY THE RESPONDENT DEVASWOM BOARD.
- P11 COPY OF THE LATEST REPRESENTATION SUBMITTED BY THE PETITIONERS BEFORE THE RESPONDENT DEVASWOM BOARD.

RESPONDENT EXHIBITS

- EXHIBIT R1 (a) A TRUE COPY OF THE JUDGMENT DATED 23/4/2013 IN WPC NO.7260/2012
- EXHIBIT R1 (b) A TRUE COPY OF THE PROCEEDINGS DATED 26/9/2011 ISSUED BY THE TRAVANCORE

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- DEVASWOM BOARD
- EXHIBIT R1 (c) A TRUE COPY OF THE LETTER DATED 16/6/2017 FORWARDED BY THE SECRETARY, KERALA DEVASWOM RECRUITMENT BOARD TO THE TRAVANCORE DEVASWOM BOARD.
- EXHIBIT R1 (d) A TRUE COPY OF THE SCHEDULE TO THE REPORT IN THE MATTER OF REDEPLOYMENT OF CLERK/11ND GRADE SUB GROUP OFFICER AND SENIOR CLERK/ FIRST GRADE SUB GROUP OFFICER IN THE TRAVANCORE DEVASWOM BOARD
- EXHIBIT R1 (E) A TRUE COPY OF THE LETTER DATED 16/12/2019 FORWARDED BY THE SECRETARY TRAVANCORE DEVASWOM BOARD
- EXHIBIT R1 (f) A TRUE COPY OF THE ORDER DATED 20/01/2020 IN THE WPC.NO.34451 OF 2018
- EXHIBIT R1 (g) TRUE COPY OF THE RELEVANT PORTION OF THE RANK LIST OF LD CLERKS/SUB GROUP OFFICER GRADE II



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19758/2016, 34525/2019, 4157/2020  
& W.A No. 196/2021

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**APPENDIX OF WP (C) 18494/2016**

PETITIONER EXHIBITS

- Exhibit P1 TRUE COPY OF THE JUDGMENT DATED 23.4.2013 IN W.P[C]NO.7260/2012 AND CONNECTED CASES.
- Exhibit P2 TRUE COPY OF THE ORDER DATED 19.11.2013.
- Exhibit P3 TRUE COPY OF THE ORDER DATED 28.4.2016.
- Exhibit P4 TRUE COPY OF THE LETTER DATED 3.5.2016.
- Exhibit P5 TRUE COPY OF THE PROCEEDINGS DATED 25.5.2012.
- Exhibit P6 A TRUE COPY OF THE INTERIM ORDER PASSED BY THIS HONBLE COURT IN WPC NO. 18484 OF 2016 AND CONNECTED CASES DATED 07.10.2020.
- Exhibit P7 A TRUE COPY OF THE ORDER NO. ROC. 2516/2009/ESTA(A) DATED 09.10.2020 ISSUED BY 4TH RESPONDENT.
- Exhibit P7 (A) A TRUE COPY OF THE ORDER NO. 109/2020/AUDIT DATED 09.10.2020 ISSUED BY THE ASSISTANT DEVASWOM AUDIT OFFICER, ALUVA TO THE 2ND PETITIONER.
- Exhibit P8 A TRUE COPY OF THE COMPLAINT SUBMITTED BY THE 22ND PETITIONER BEFORE THE ASSISTANT DEVASWOM COMMISSIONER, TRAVANCORE DEVASWOM BOARD DATED 03.11.2020.
- Exhibit P9 A TRUE COPY OF THE COMMUNICATION NO. 1346 DATED 17.11.2020 ISSUED BY THE ASSISTANT COMMISSIONER THRIKKARIYOOR GROUP, TRAVANCORE DEVASWOM BOARD TO THE 22ND PETITIONER.
- Exhibit P10 A TRUE COPY OF THE FINAL ORDER OF THE HONBLE SUPREME COURT OF INDIA IN SLP (C) NO. 13652-13654 OF 2020 DATED 18.11.2020.
- Exhibit P11 A TRUE COPY OF THE JOINT REPRESENTATION SUBMITTED BY THE PETITIONERS AND OTHERS BEFORE THE 2ND RESPONDENT DATED NIL, ALONG WITH THE SPEED POST RECEIPT.

W.P(C) Nos. 18484, 18400, 18494, 18685,  
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- Exhibit P11 (A) A TRUE COPY OF THE JOINT REPRESENTATION SUBMITTED BY THE PETITIONERS AND OTHERS BEFORE THE CHAIRMAN, KERALA DEVASWOM RECRUITMENT BOARD DATED NIL ALONG WITH THE SPEED POST RECEIPT.
- Exhibit P12 A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 1ST PETITIONER BEFORE THE 2ND RESPONDENT ALONG WITH SPEED POST RECEIPT.
- Exhibit P12 (A) A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 2ND PETITIONER BEFORE THE 2ND RESPONDENT ALONG WITH SPEED POST RECEIPT.
- Exhibit P12 (B) A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 3RD PETITIONER BEFORE THE 2ND RESPONDENT ALONG WITH SPEED POST RECEIPT.
- Exhibit P12 (C) A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 4TH PETITIONER BEFORE THE 2ND RESPONDENT ALONG WITH SPEED POST RECEIPT.
- Exhibit P12 (D) A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 5TH PETITIONER BEFORE THE 2ND RESPONDENT ALONG WITH SPEED POST RECEIPT.
- Exhibit P12 (E) A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 6TH PETITIONER BEFORE THE 2ND RESPONDENT ALONG WITH SPEED POST RECEIPT.
- Exhibit P12 (F) A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 7TH PETITIONER BEFORE THE 2ND RESPONDENT.
- Exhibit P12 (G) A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 8TH PETITIONER BEFORE THE 2ND RESPONDENT ALONG WITH SPEED POST RECEIPT.
- Exhibit P12 (H) A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 9TH PETITIONER BEFORE THE 2ND RESPONDENT ALONG WITH SPEED POST RECEIPT.

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- Exhibit P12 (I) A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 10TH PETITIONER BEFORE THE 2ND RESPONDENT ALONG WITH SPEED POST RECEIPT.
- Exhibit P12 (J) A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 11TH PETITIONER BEFORE THE 2ND RESPONDENT ALONG WITH SPEED POST RECEIPT.
- Exhibit P12 (K ) A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 12TH PETITIONER BEFORE THE 2ND RESPONDENT ALONG WITH SPEED POST RECEIPT.
- Exhibit P12 (L ) A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 13TH PETITIONER BEFORE THE 2ND RESPONDENT ALONG WITH SPEED POST RECEIPT.
- Exhibit P12 (M) A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 14TH PETITIONER BEFORE THE 2ND RESPONDENT ALONG WITH SPEED POST RECEIPT.
- Exhibit P12 (N) A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 15TH PETITIONER BEFORE THE 2ND RESPONDENT.
- Exhibit P12( O) A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 16TH PETITIONER BEFORE THE 2ND RESPONDENT ALONG WITH SPEED POST RECEIPT.
- Exhibit P12( P) A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 17TH PETITIONER BEFORE THE 2ND RESPONDENT ALONG WITH SPEED POST RECEIPT.
- Exhibit P12( Q) A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 18TH PETITIONER BEFORE THE 2ND RESPONDENT ALONG WITH SPEED POST RECEIPT.
- Exhibit P12( R) A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 19TH PETITIONER BEFORE THE 2ND RESPONDENT ALONG WITH SPEED POST RECEIPT.

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19758/2016, 34525/2019, 4157/2020  
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- Exhibit P12( S) A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 20TH PETITIONER BEFORE THE 2ND RESPONDENT ALONG WITH SPEED POST RECEIPT.
- Exhibit P12( T) A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 21ST PETITIONER BEFORE THE 2ND RESPONDENT ALONG WITH SPEED POST RECEIPT.
- Exhibit P12( U) A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 22ND PETITIONER BEFORE THE 2ND RESPONDENT ALONG WITH SPEED POST RECEIPT.
- Exhibit P12( V) A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 23RD PETITIONER BEFORE THE 2ND RESPONDENT ALONG WITH SPEED POST RECEIPT.
- Exhibit P12( W) A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 24TH PETITIONER BEFORE THE 2ND RESPONDENT ALONG WITH SPEED POST RECEIPT.
- Exhibit P12( X) A TRUE COPY OF THE REPRESENTATION DATED 24.11.2020 SUBMITTED BY THE 25TH PETITIONER BEFORE THE 2ND RESPONDENT ALONG WITH SPEED POST RECEIPT.
- Exhibit P12( Y) A TRUE COPY OF THE REPRESENTATION DATED 24.11.2020 SUBMITTED BY THE 26TH PETITIONER BEFORE THE 2ND RESPONDENT ALONG WITH SPEED POST RECEIPT.
- Exhibit P12( Z) A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 27TH PETITIONER BEFORE THE 2ND RESPONDENT ALONG WITH SPEED POST RECEIPT.
- Exhibit P12( AA) A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 28TH PETITIONER BEFORE THE 2ND RESPONDENT ALONG WITH SPEED POST RECEIPT.
- Exhibit P12( AB) A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 29TH PETITIONER BEFORE THE 2ND RESPONDENT ALONG WITH SPEED POST RECEIPT.

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- Exhibit P12 ( AC) A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 30TH PETITIONER BEFORE THE 2ND RESPONDENT ALONG WITH SPEED POST RECEIPT.
- Exhibit P12 ( AD) A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 31ST PETITIONER BEFORE THE 2ND RESPONDENT ALONG WITH SPEED POST RECEIPT.
- Exhibit P12 ( AE) A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 32ND PETITIONER BEFORE THE 2ND RESPONDENT ALONG WITH SPEED POST RECEIPT.
- Exhibit P12 ( AF) A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 33RD PETITIONER BEFORE THE 2ND RESPONDENT ALONG WITH SPEED POST RECEIPT.
- Exhibit P13 A TRUE COPY OF THE REPRESENTATION DATED 24.11.2020 SUBMITTED BY THE 1ST PETITIONER BEFORE THE CHAIRMAN, KERALA DEVASWOM RECRUITMENT BOARD ALONG WITH SPEED POST RECEIPT.
- Exhibit P13 (A) A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 2ND PETITIONER BEFORE THE CHAIRMAN, KERALA DEVASWOM RECRUITMENT BOARD ALONG WITH SPEED POST RECEIPT.
- Exhibit P13 (B) A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 3RD PETITIONER BEFORE THE CHAIRMAN, KERALA DEVASWOM RECRUITMENT BOARD ALONG WITH SPEED POST RECEIPT.
- Exhibit P13 (C) A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 4TH PETITIONER BEFORE THE CHAIRMAN, K.D.R.B ALONG WITH SPEED POST RECEIPT.
- Exhibit P13 (D) A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 5TH PETITIONER BEFORE THE CHAIRMAN, K.D.R.B ALONG WITH SPEED POST RECEIPT.

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- Exhibit P13 (E) A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 6TH PETITIONER BEFORE THE CHAIRMAN, K.D.R.B ALONG WITH SPEED POST RECEIPT.
- Exhibit P13 (F) A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 7TH PETITIONER BEFORE THE CHAIRMAN, K.D.R.B.
- Exhibit P13 (G) A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 8TH PETITIONER BEFORE THE CHAIRMAN, K.D.R.B ALONG WITH SPEED POST RECEIPT.
- Exhibit P13 (H) A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 9TH PETITIONER BEFORE THE CHAIRMAN, K.D.R.B ALONG WITH SPEED POST RECEIPT.
- Exhibit P13 (I) A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 10TH PETITIONER BEFORE THE CHAIRMAN, K.D.R.B ALONG WITH SPEED POST RECEIPT.
- Exhibit P13 (J) A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 11TH PETITIONER BEFORE THE CHAIRMAN, K.D.R.B ALONG WITH SPEED POST RECEIPT.
- Exhibit P13 (K) A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 12TH PETITIONER BEFORE THE CHAIRMAN, K.D.R.B ALONG WITH SPEED POST RECEIPT.
- Exhibit P13 (L) A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 13TH PETITIONER BEFORE THE CHAIRMAN, K.D.R.B ALONG WITH SPEED POST RECEIPT.
- Exhibit P13 (M) A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 14TH PETITIONER BEFORE THE CHAIRMAN, K.D.R.B ALONG WITH SPEED POST RECEIPT.
- Exhibit P13 (N) A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 15TH PETITIONER BEFORE THE CHAIRMAN, K.D.R.B ALONG WITH SPEED POST RECEIPT.

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- Exhibit P13 (O) A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 16TH PETITIONER BEFORE THE CHAIRMAN, K.D.R.B ALONG WITH SPEED POST RECEIPT.
- Exhibit P13 (P) A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 17TH PETITIONER BEFORE THE CHAIRMAN, K.D.R.B ALONG WITH SPEED POST RECEIPT.
- Exhibit P13 (Q) A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 18TH PETITIONER BEFORE THE CHAIRMAN, K.D.R.B ALONG WITH SPEED POST RECEIPT
- Exhibit P13 (R) A TRUE COPY OF THE REPRESENTATION DATED 24.11.2020 SUBMITTED BY THE 19TH PETITIONER BEFORE THE CHAIRMAN, K.D.R.B ALONG WITH SPEED POST RECEIPT.
- Exhibit P13 (S) A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 20TH PETITIONER BEFORE THE CHAIRMAN, K.D.R.B .
- Exhibit P13 (T) A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 21TH PETITIONER BEFORE THE CHAIRMAN, K.D.R.B ALONG WITH SPEED POST RECEIPT.
- Exhibit P13 (U) A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 22ND PETITIONER BEFORE THE CHAIRMAN, K.D.R.B ALONG WITH SPEED POST RECEIPT.
- Exhibit P13 (V) A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 23RD PETITIONER BEFORE THE CHAIRMAN, K.D.R.B ALONG WITH SPEED POST RECEIPT.
- Exhibit P13 (W ) A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 24TH PETITIONER BEFORE THE CHAIRMAN, K.D.R.B ALONG WITH SPEED POST RECEIPT.
- Exhibit P13 (X ) A TRUE COPY OF THE REPRESENTATION DATED 24.11.2020 SUBMITTED BY THE 25TH PETITIONER BEFORE THE CHAIRMAN, K.D.R.B ALONG WITH SPEED POST RECEIPT.

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- Exhibit P13 (Y ) A TRUE COPY OF THE REPRESENTATION DATED 24.11.2020 SUBMITTED BY THE 26TH PETITIONER BEFORE THE CHAIRMAN, K.D.R.B ALONG WITH SPEED POST RECEIPT.
- Exhibit P13 (Z ) A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 27TH PETITIONER BEFORE THE CHAIRMAN, K.D.R.B ALONG WITH SPEED POST RECEIPT.
- Exhibit P13 (AA) A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 28TH PETITIONER BEFORE THE CHAIRMAN, K.D.R.B ALONG WITH SPEED POST RECEIPT.
- Exhibit P13 (AB) A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 29TH PETITIONER BEFORE THE CHAIRMAN, K.D.R.B ALONG WITH SPEED POST RECEIPT.
- Exhibit P13 (AC) A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 30TH PETITIONER BEFORE THE CHAIRMAN, K.D.R.B ALONG WITH SPEED POST RECEIPT.
- Exhibit P13 (AD) A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 31ST PETITIONER BEFORE THE CHAIRMAN, K.D.R.B ALONG WITH SPEED POST RECEIPT.
- Exhibit P13 (AE) A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 32ND PETITIONER BEFORE THE CHAIRMAN, K.D.R.B ALONG WITH SPEED POST RECEIPT.
- Exhibit P13 (AF) A TRUE COPY OF THE REPRESENTATION DATED 23.11.2020 SUBMITTED BY THE 33RD PETITIONER BEFORE THE CHAIRMAN, K.D.R.B ALONG WITH SPEED POST RECEIPT.
- Exhibit P14 A TRUE COPY OF THE MEMO DATED 26.09.2011 ISSUED TO THE 1ST PETITIONER.
- Exhibit P15 A TRUE COPY OF THE ORDER DATED 10.01.2020 PASSED BY THE HONBLE SUPREME COURT OF INDIA IN SLP (C) NO. 33174 OF 2017.



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- Exhibit P15 (A) A TRUE COPY OF THE AFFIDAVIT FILED BY THE SECRETARY, GURUVAYOOR DEVASWOM MANAGING COMMITTEE DATED 28.07.2020 BEFORE THE HONBLE SUPREME COURT OF INDIA IN SLP (C) NO. 33174 OF 2017.
- Exhibit P15 (B) A TRUE COPY OF THE ORDER DATED 24.01.2020 PASSED BY THE HONBLE SUPREME COURT OF INDIA IN SLP (C) NO. 33174 OF 2017.
- Exhibit P16 A TRUE COPY OF THE ORDER NO.ROC NO.245/09/EST-1 DATED 25-02-2021 ISSUED BY THE 2ND RESPONDENT
- Exhibit P17 A TRUE COPY OF THE APPOINTMENT CHART NO. 53/RECT/KDRB/2015 OF LD CLERK, SUB GROUP OFFICER GR-II, ISSUED BY KERALA DEVASWOM RECRUITMENT BOARD ADVISED ON -03.05.2021.
- Exhibit P18 A TRUE COPY OF THE PROCEEDINGS ROC NO. 80/21/EST.A. DATED 07.06.2021 ISSUED BY THE 2ND RESPONDENT REGARDING THE PROMOTIONS, TRANSFERS AND POSTINGS OF SENIOR CLERK/IST GRADE GROUP OFFICERS.
- Exhibit P18 (A) A TRUE COPY OF THE PROCEEDINGS ROC NO. 80/21/EST.A. DATED 07.06.2021 ISSUED BY THE 2ND RESPONDENT REGARDING THE PROMOTIONS, TRANSFERS AND POSTINGS OF HEAD CLERK/HIGHER GRADE OFFICERS.
- Exhibit P18 (B) A TRUE COPY OF THE PROCEEDINGS ROC NO. 80/21/EST.A. DATED 07.06.2021 ISSUED BY THE 2ND RESPONDENT REGARDING THE PROMOTIONS, TRANSFERS AND POSTINGS OF JUNIOR SUPERINTENDENT/SPECIAL GRADE SUB GROUP OFFICERS.
- Exhibit P18 (C) A TRUE COPY OF THE ORDER NO. ROC NO. 5600/21/EST.I DATED 07.06.2021 ISSUED BY 2ND RESPONDENT REGARDING THE PROMOTIONS, TRANSFERS AND POSTINGS OF ASSISTANT DEVASWOM COMMISSIONER CADRE.
- Annexure A1 COPY OF THE ORDER DATED 30.08.2013 IN S.L.P. (C) NO. 9306/2012 OF THE HONBLE SUPREME COURT.

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RESPONDENT EXHIBITS

- Exhibit R1 (A) A TRUE COPY OF THE JUDGMENT DATED 23.04.2013 IN WPC NO. 7260/2012.
- Exhibit R1 (B) A TRUE COPY OF THE PROCEEDINGS DATED 26.09.2011 ISSUED BY THE TRAVANCORE DEVASWOM BOARD.
- Exhibit R1 (C) A TRUE COPY OF THE LETTER DATED 16.06.2017 FORWARDED BY THE SECRETARY, KERALA DEVASWOM RECRUITMENT BOARD TO THE TRAVANCORE DEVASWOM BOARD.
- Exhibit R1 (D) A TRUE COPY OF THE SCHEDULE TO THE REPORT IN THE MATTER OF REDEPLOYMENT OF CLERK /IIND GRADE SUB GROUP OFFICER AND SENIOR CLERK/IST GRADE SUB GROUP OFFICER IN THE TRAVANCORE DEVASWOM BOARD.
- Exhibit R1 (E) A TRUE COPY OF THE LETTER DATED 16.12.2019 FORWARDED BY THE SECRETARY, TRAVANCORE DEVASWOM BOARD.
- Exhibit R1 (F) A TRUE COPY OF THE ORDER DATED 20.01.2020 IN THE WPC NO. 34451 OF 2018.
- EXHIBIT R1 (g) TRUE COPY OF THE RELEVANT PORTION OF THE RANK LIST OF L.D CLERKS/SUB GROUP OFFICER GRADE-II.

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**APPENDIX OF WP (C) 18685/2016**

PETITIONER EXHIBITS

EXHIBIT P1 TRUE COPY OF THE PROCEEDING ROAC NO  
2516/09/EST. DATED 26-09-2011

EXHIBIT P2 TRUE COPY OF THE JUDGMENT IN WRIT  
PETITION (C) NO 27575 OF 2006(G) DATED  
14-12-2011

EXHIBIT P3 TRUE COPY OF THE ORDER ROC NO  
87/12/EST-1 DATED 28-04-2016

EXHIBIT P4 TRUE COPY OF THE REQUEST DATED NIL

EXHIBIT P5 TRUE COPY OF THE COMMUNICATION NO ROC  
87/12/EST.1 DATED 10-05-2016

EXHIBIT P6 TRUE COPY OF THE REQUEST DATED NIL SENT  
TO THE RESPONDENTS

RESPONDENT EXHIBITS

EXHIBIT R1 (a) A TRUE COPY OF THE JUDGMENT DATED  
23/4/2013 IN WPC NO.7260/2012

EXHIBIT R1 (b) A TRUE COPY OF THE PROCEEDINGS DATED  
26/9/2011 ISSUED BY THE TRAVANCORE  
DEVASWOM BOARD

EXHIBIT R1 (c) A TRUE COPY OF THE LETTER DATED  
16/6/2017 FORWARDED BY THE SECRETARY,  
KERALA DEVASWOM RECRUITMENT BOARD TO  
THE TRAVANCORE DEVASWOM BOARD.

EXHIBIT R1 (d) A TRUE COPY OF THE SCHEDULE TO THE  
REPORT IN THE MATTER OF REDEPLOYMENT OF  
CLERK/11ND GRADE SUB GROUP OFFICER AND  
SENIOR CLERK/ FIRST GRADE SUB GROUP  
OFFICER IN THE TRAVANCORE DEVASWOM  
BOARD

EXHIBIT R1 (E) A TRUE COPY OF THE LETTER DATED  
16/12/2019 FORWARDED BY THE SECRETARY  
TRAVANCORE DEVASWOM BOARD

EXHIBIT R1 (f) A TRUE COPY OF THE ORDER DATED  
20/01/2020 IN THE WPC.NO.34451 OF 2018

EXHIBIT R1 (G) TRUE COPY OF THE RELEVANT PORTION OF  
THE RANK LIST OF LD CLERKS/SUB GROUP  
OFFICER GRADE II

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19758/2016, 34525/2019, 4157/2020  
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**APPENDIX OF WP(C) 19758/2016**

PETITIONER EXHIBITS

- P1 TRUE COPY OF THE APPOINTMENT LETTER DATED 3.10.2011, ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.
- P2 TRUE COPY OF THE APPOINTMENT LETTER DATED 8.11.2011, ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.
- P3 TRUE COPY OF THE MEDICAL CERTIFICATE ISSUED BY THE MEDICAL COLLEGE HOSPITAL, THIRUVANANTHAPURAM, TO THE PETITIONER, DATED 16.11.1996
- P4 TRUE COPY OF THE IDENTITY CARD DATED 23.11.2010, ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER.
- P5 TRUE COPY OF THE GOVERNMENT ORDER DATED 14.7.1998.
- P6 TRUE COPY OF THE LETTER ISSUED BY THE DEVASWOM COMMISSIONER TO THE 2ND RESPONDENT, DATED 23.7.2015.
- P7 TRUE COPY OF THE ORDER ISSUED BY THE 2ND RESPONDENT, DATED 28.4.2016.
- P8 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT, DATED 6.5.2016.
- P9 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT, DATED 6.6.2016.

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**APPENDIX OF WP (C) 34525/2019**

PETITIONER EXHIBITS

- EXHIBIT P1 TRUE COPY OF THE CERTIFICATE OF  
DISABILITY ISSUED BY THE MEDICAL BOARD  
ALAPPUZHA TO THE PETITIONER.
- EXHIBIT P2 TRUE COPY OF THE JUDGMENT DATED 25-08-  
2016 IN WPC NO. 28123 /2016 OF THIS  
HON'BLE COURT.
- EXHIBIT P3 TRUE COPY OF THE NOTICE DATED 31-01-  
2017 FROM THE 2ND RESPONDENT TO THE  
PETITIONER,
- EXHIBIT P4 TRUE COPY OF THE ORDER ROC  
NO.245/09/EST-I DATED 04-10-2019 OF THE  
1ST RESPONDENT.
- EXHIBIT P8 TRUE COPY OF THE COMMUNICATION DATED  
09-10-2020 FROM THE DEVASWOM  
COMMISSIONER HARIPAD TO THE PETITIONER  
ALONG WITH THE ORDER DATED 09-10-2020  
OF THE 2ND RESPONDENT
- EXHIBIT P9 TRUE COPY OF THE REPRESENTATION DATED  
12-10-2020 SUBMITTED BY THE PETITIONER  
TO THE ASST.COMMISSIONER HARIPAD.

RESPONDENT EXHIBITS

- EXHIBIT R1 (a) A TRUE COPY OF THE JUDGMENT DATED  
23/4/2013 IN WPC NO.7260/2012
- EXHIBIT R1 (b) A TRUE COPY OF THE PROCEEDINGS DATED  
26/9/2011 ISSUED BY THE TRAVANCORE  
DEVASWOM BOARD
- EXHIBIT R1 (c) A TRUE COPY OF THE LETTER DATED  
16/6/2017 FORWARDED BY THE SECRETARY,  
KERALA DEVASWOM RECRUITMENT BOARD TO  
THE TRAVANCORE DEVASWOM BOARD.
- EXHIBIT R1 (d) A TRUE COPY OF THE SCHEDULE TO THE  
REPORT IN THE MATTER OF REDEPLOYMENT OF  
CLERK/11ND GRADE SUB GROUP OFFICER AND  
SENIOR CLERK/ FIRST GRADE SUB GROUP  
OFFICER IN THE TRAVANCORE DEVASWOM  
BOARD

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- EXHIBIT R1 (E) A TRUE COPY OF THE LETTER DATED  
16/12/2019 FORWARDED BY THE SECRETARY  
TRAVANCORE DEVASWOM BOARD
- EXHIBIT R1 (f) A TRUE COPY OF THE ORDER DATED  
20/01/2020 IN THE WPC.NO.34451 OF 2018
- EXHIBIT R1 (g) TRUE COPY OF THE RELEVANT PORTION OF  
THE RANK LIST L.D. CLERKS/SUB GROUP  
OFFICER GRADE-11
- EXHIBIT R1 (h) TRUE COPY OF THE ORDER DATED 07-10-2020  
IN W.P(C)NO.18484/2016
- EXHIBIT R1 (i) TRUE COPY OF ORDER DATED 18-11-2020 IN  
SLP NO.12567/2020 OF THE HON'BLE  
SUPREME COURT OF INDIA.

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W.A OF WP(C) 196/2021

RESPONDENT EXHIBITS

Exhibit R3(a)	TRUE COPY OF G.O(P) NO.8/17 SWD DATED 06-05-2017
Exhibit R3(b)	TRUE COPY OF G.O(P) NO.12/2019/SWD DATED 31-10-2019.
ANNEXURE R2 (a)	TRUE COPY OF THE NOTIFICATION DATED 09- 07-2018 INVITING APPLICATIONS FOR APPOINTMENT TO THE POST OF LDC/SUB GROUP OFFICER GRADE-II ISSUED BY KDRB
ANNEXURE R2 (b)	TRUE COPY OF THE RELEVANT PORTION OF THE GENERAL CONDITIONS OF THE NOTIFICATION
ANNEXURE R2 (C)	TRUE COPY OF THE PROCEEDINGS DATED 03- 12-2020 OF THE DEVASWOM COMMISSIONER.