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THE HIGH COURT OF KERALA

Kochi : 682 031
Dated : 24-08-2017

PROCEEDINGS

High Court Establishment- **Provisional appointment** to the category of Cataloguer in the High Court – ranked list - orders issued.

- Read : 1. High Court Notification No. A6-65004/2012/REC1 dated 14.08.2013.
2. Ranked list No. A6-65004/2012/REC1 dated 15.11.2014.
3. Rules 14 to 17 of Part-II, Kerala State and Subordinate Service Rules, 1958.
4. G.O.(P) No. 20/2013/Fin. dated 07-01-2013.
5. G.O.(P) No. 209/2013/Fin. Dated 07-05-2013.
6. G.O.(P) No. 171/2016/Fin dated 15.11.2016.
7. The Writ Petition W.P.C. No – 6151/2017 filed by Smt. Deepa M.M., Computer Assistant Grade II, High Court.
8. G.O.(Ms) No.80/2017/Home dated 11.04.2017.
9. High Court O.M. No. A6-35202/2017 dated 22.05.2017.
10. High Court O.M. No. A6-35202/2017 dated 03.07.2017.

Order No. A6-22398/2017

Consequent on the promotion of Smt. Indhu J., Cataloguer, High Court, as Assistant Librarian, High Court, a vacancy (**first**) in the category of Cataloguer had arisen in the High Court w.e.f. **20-02-2013**. As none of the incumbents in the feeder category i.e. Senior Grade Library Assistant, were qualified for promotion, appointment by transfer was ordered to be resorted to as the next method of appointment. Thereafter, since there was no one available to fill up the post by appointment by transfer method, even after calling for willingness twice on dates on **01-03-2013** and **24-05-2013**, respectively from eligible and qualified High Court employees, it was ordered to entrust the Recruitment and Examination Cell, High Court, to take steps to make available a ranked list for appointment to the post of Cataloguer, High Court, through direct recruitment.

As per the High Court Notification dated **14.08.2013** referred to 1st above, the number of vacancy to be filled up was shown as one. However, it was specified that the vacancies that may arise during the validity of the ranked list would also be filled up from the list. It was further notified that the ranked list so prepared will remain in force for a minimum period of two years from the date on which it is brought into force and shall continue to remain in force until the publication of a fresh list or till the expiry of three years, whichever is earlier, in tune with Rule 7(2) of the Kerala High Court Service Rules, 2007. The ranked list referred to 2nd above, for making appointment to the post of Cataloguer through direct recruitment method, was brought into force w.e.f. **12-11-2014**.

Thereupon, Smt. Seena S.T. (2nd rank holder), was offered appointment as Cataloguer (in the first vacancy) in the 3rd Open Competition turn (1st MR) as the appointment to the 1st Rank holder was cancelled in accordance with sub-rule (3) of Rule 6 of Kerala High Court Service Rules, 2007.

Consequent on the promotion of Sri. T.G. Sreenivasan, Cataloguer, High Court, as Assistant Librarian, High Court, a vacancy (**second**) in the category of Cataloguer had arisen in the High Court w.e.f. **01-10-2015** ie, during the currency of the existing ranked-list.

The 2nd vacancy that arose in the category of Cataloguer was filled up from the existing ranked-list and Smt. Deepa C Das, 3rd Respondent in W.P.(C) No. 6151/2017, was appointed to the post under ETB turn by following Rule 9 of the Kerala High Court Service Rules, 2007 and the conditions stipulated in Rule 14 to 17 of Kerala State & Subordinate Services Rules, 1958.

Meanwhile Smt. Deepa M.M., Computer Assistant Grade II, High Court, filed Writ Petition referred to 7th above, in which the High Court of Kerala and the Registrar General, High Court of Kerala have been arrayed as respondents. The petitioner seeks directions from the Honourable Court, to appoint her to the vacancy of Cataloguer to which the 3rd respondent (Smt. Deepa C Das) was appointed on 18.07.2016, as she was fully qualified for the post on the crucial date. In the application for Interim Relief she has prayed that the Honourable Court may be pleased to direct the respondents not to fill up the vacancy to the post of Cataloguer from the ranked-list referred to 2nd above, pending disposal of the Writ Petition. However, no interim orders are passed by Honourable Court to that effect, till date in the said WPC.

As per the G.O. referred to 8th above, Government had sanctioned 53 numbers of various posts for the Kerala Judicial Academy. The Honourable the Chief Justice had ordered to fill up the post in the category of Cataloguer and some of the other lower category posts sanctioned by the Government '**by way of appointment by transfer method**'.

Accordingly, as per High Court O.M. referred to 9th above, willingness was called for from among the qualified and approved probationers working in the categories having the same scale of pay and lower scale of pay than that of Cataloguer for filling up the post in the category of Cataloguer and the last date for submission of willingness was fixed on 31-05-2017. Three persons namely, Smt. Sindhu C, Assistant, Smt. Deepa M.M., Computer Assistant (Grade II) and Smt. T.S. Jasmine, Computer Assistant (Grade II) had submitted their willingness for the post of Cataloguer within the stipulated time.

As per Rule 7(2) of Kerala High Court Service Rules, 2007 " Rank list prepared for appointment by direct recruitment to the Service shall remain in force for a minimum period of two years from the date on which it is brought into force and shall continue to remain in force until the publication of a fresh list or till the expiry of three years, whichever is earlier ".

The above rule as such was incorporated in the High Court Recruitment Notification referred to 1st above for appointment to the post of Cataloguer. The filling up of newly sanctioned post in the category of Cataloguer 'by way of appointment by transfer method' during the currency of the ranked list is against the settled position of law and it is not on par with the conditions prescribed in the High Court Recruitment Notification.

The Honourable the Chief Justice, having considered the entire matter in detail, had ordered to modify the common order of His Lordship (which was taken for filling up of various posts sanctioned by the Government by way of appointment by transfer method) to the extent of deleting the post of **Cataloguer** therein'. Therefore, the willingness submitted by the incumbents (Smt. Sindhu C, Assistant, Smt. Deepa M.M., Computer Assistant (Grade II) and Smt. T.S. Jasmine, Computer Assistant (Grade II)) for the post of Cataloguer could not be considered for the time being and the same was informed to them, vide High Court O.M. read 10th above.

The ranked-list referred to 2nd above for appointment to the post of Cataloguer in the High Court is in force till **11.11.2017**. Since the appointments were made upto 4th reservation turn of SC lastly (compensated by ETB turn), the next vacancy in the category of Cataloguer must be filled up by appointing the candidate belonging to **5th Open Competition Turn**. Sri. Nishad N.G. is the next eligible candidate in the ranked list which comes under 5th Open Competition Turn (Rank No. 3).

The Honourable the Chief Justice having considered the entire matter detail is pleased to offer **provisional appointment** to Sri. Nishad N.G., Nisabhavan, Kalluvettankuzhy, Venganoor P.O., Thiruvananthapuram, Kerala, Pin – 695523 as Cataloguer in the High Court of Kerala in the scale of pay of ₹30,700 - 65,400 with a compensatory allowance of ₹300/- per month.

The appointment is subject to the following conditions:-

1. **The appointment will be subject to the orders in the writ petition.**
2. He shall be bound by the National Pension Scheme introduced by the State Government. In eligible cases, the mobility to Kerala Service Rules, Part III, Pension Scheme will be allowed as per the Government Order read (5) above, if he opt so.
3. His appointment will be subject to the satisfactory report of enquiry into his antecedents.
4. His conditions of service shall be governed by the Kerala High Court Service Rules, 2007 and other relevant rules in force from time to time.
5. He shall be on probation for a total period of two years on duty within a continuous period of three years.
6. He shall have to submit one month's advance notice in writing in the event of his resignation or leaving the High Court Service.
7. He must join the Group Insurance Scheme and State Life Insurance on joining duty. He must also join the General Provident Fund Scheme within one year from the date of joining duty. He may also join the Family Benefit Scheme, if he so desires.
8. He is directed to submit the details regarding his movable and immovable properties in the prescribed format on his joining duty in the High Court.

If he agree to the above terms and conditions, he is directed to **report for duty within ten days** from the date of receipt of this appointment order, with the following documents;

1. Original certificates in proof of age and qualifications.
2. Two recent passport size photographs.
3. Medical Certificate of fitness in the form appended herewith, issued by a Civil Surgeon or Honorary Medical Officer of Civil Surgeon's rank or the Director of Indigenous Medicine.
4. Duly filled in SPARK FORM NO.1 appended herewith along with supporting documents in original.
5. Duly filled in statement of properties in the proforma appended herewith.

In case he fails to report for duty within ten days from the date of receipt of this order, his appointment will be treated as cancelled without further notice.

(By Order)



K. Babu

Registrar (Subordinate Judiciary)
Registrar General in charge



To

The person concerned.
The Joint Registrar in charge of Library Section, High Court.
The Chief Librarian, High Court.
The Librarian, Kerala Judicial Academy, Athani
The Section Officer, Library Section, High Court.
The Section Officer, Kerala Judicial Academy, Athani.
The Confidential Assistants to the Registrars, High Court.
The Library Section, High Court
The 'G' (Accounts – II & III) Sections, High Court.
The Finance Wing, High Court.
The IT Section, High Court (for publishing in the High Court website)
The A4 Seat, High Court.
The Administrative Records Section, High Court (2 Copies).
The File / Stock File.