



'C.R.'

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE MR.JUSTICE P. KRISHNA KUMAR

MONDAY, THE 11TH DAY OF NOVEMBER 2024 / 20TH KARTHIKA, 1946

OP (KAT) NO. 266 OF 2020

AGAINST THE ORDER DATED 10.01.2020 IN OA (EKM) NO.961 OF 2015
OF KERALA ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM

PETITIONER/S:

- 1 THE KERALA PUBLIC SERVICE COMMISSION
REPRESENTED BY ITS SECRETARY, PATTOM PALACE,
THIRUVANANTHAPURAM, KERALA - 695 003.
- 2 THE DISTRICT OFFICER
KERALA PUBLIC SERVICE COMMISSION, DISTRICT OFFICE, DOWN
HILL, MALAPPURAM, KERALA - 676 519.

BY ADV SRI.P.C.SASIDHARAN, SC, KPSC

RESPONDENT/S:

- 1 ABOOBACKER MATTAYI
AGED 42 YEARS
S/O. MOHAMMED KUTTY, MATTAYI HOUSE, MOOCHIKKAL, POST
ANCHACHAVIDI, KALIKAVU, MALAPPURAM DISTRICT - 676 525,
PRESENTLY WORKING AS OFFICE ATTENDANT, OFFICE OF THE
ASSISTANT EDUCATIONAL OFFICER, WANDOOOR, MALAPPURAM,
KERALA - 679328, MOBILE - 9747041232.



2 THE STATE OF KERALA
 REPRESENTED BY ITS SECRETARY TO GOVERNMENT, GENERAL
 EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT,
 THIRUVANANTHAPURAM, KERALA - 695 001.

 THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING BEEN FINALLY
HEARD ON 4.11.2024, THE COURT ON 11.11.2024 DELIVERED THE
FOLLOWING:

**'C.R.'****JUDGMENT**A.Muhamed Mustaque, J.

The issue in this matter is whether a double main obtained in a degree can be considered a specialized subject in one of the mains for the purpose of appointment as Full Time Junior Language Teacher (Arabic) in a Lower Primary School. The first respondent was the applicant before the Tribunal. Admittedly, he possessed BA Arabic and Islamic History as two main subjects in BA degree. The Kerala Public Service Commission (PSC) was of the view that when a notification was issued inviting applications from the qualified hands prescribing degree in Arabic, such a degree has to be exclusively in Arabic and not aligning with any other main subjects. This has been repealed by the Tribunal. Accordingly, PSC has filed this original petition.



2. As seen from the notification, an application for by transfer appointment to the post of Full Time Junior Language Teacher Arabic-LPS was invited. One of the qualifications prescribed is a degree in Arabic conferred or recognized by the Universities in Kerala. The respondent-applicant possessed a BA degree in Arabic and Islamic History awarded by the University of Calicut. As seen from the order of the University in Kerala, this is a double main degree of the University and it is equivalent to BA Arabic or BA Islamic History. That means, a candidate who undergoes such a programme will have the advantage of two main degrees. The mere inclusion of an additional subject in a main degree does not imply that the individual lacks a degree in one of the main subjects. University is the expert body. They considered the double main degree to be equivalent to a single degree programme. As per Annexure A20, the Government also acknowledged that a triple main degree is equivalent to a particular main degree in any of the subjects, provided such a degree is obtained through regular study from a recognised University. Therefore, it is clear that a particular



degree in Arabic when supplemented with another main subject, will not cease to have the colour of a BA degree in Arabic. Therefore, the challenge made by PSC is bound to fail. The original petition is, accordingly, dismissed.

Sd/-

**A.MUHAMED MUSTAQUE
JUDGE**

Sd/-

**P. KRISHNA KUMAR
JUDGE**

ms

APPENDIX OF OP (KAT) 266/2020

PETITIONER EXHIBITS

EXHIBIT P1	TRUE COPY OF THE O.A. (EKM) NO.961 OF 2015 WITH ITS ANNEXURES.
ANNEXURE (A1)	TRUE COPY OF THE CERTIFICATE OF BA OF THE 1ST APPLICANT DATED 28.03.1994.
ANNEXURE (A2)	TRUE COPY OF THE CERTIFICATE OF K.TET OF THE 1ST APPLICANT DATED 01.02.2014.
ANNEXURE (A3)	TRUE COPY OF THE CERTIFICATE OF BA OF THE 2ND APPLICANT DATED 26.03.2012.
ANNEXURE (A4)	TRUE COPY OF THE PROVISIONAL CERTIFICATE OF B.ED OF THE 2ND APPLICANT DATED 29.01.2015.
ANNEXURE (A5)	TRUE COPY OF THE CERTIFICATE OF BA OF THE 3RD APPLICANT DATED 08.07.2010.
ANNEXURE (A6)	TRUE COPY OF THE CERTIFICATE OF B.ED OF THE 3RD APPLICANT DATED 07.09.2012.
ANNEXURE (A7)	TRUE COPY OF THE CERTIFICATE OF K.TET OF THE 3RD APPLICANT DATED 13.11.2013.
ANNEXURE (A8)	TRUE COPY OF THE NOTIFICATION OF THE PSC (CATEGORY NO.12/2012) GAZETTE DATED 16.04.2012.
ANNEXURE (A9)	TRUE COPY OF THE NOTIFICATION DATED 31.03.2015 OF THE PSC (SHORT LIST).
ANNEXURE (A10)	TRUE COPY OF THE NOTIFICATION OF THE PSC (CATEGORY NO.213/2014) GAZETTE DATED 13.05.2014).
ANNEXURE (A11)	TRUE COPY OF THE LETTER ISSUED BY THE PSC TO THE 1ST APPLICANT DATED 19.06.2015.



ANNEXURE (A12)	TRUE COPY OF THE LETTER ISSUED BY THE PSC TO THE 2ND APPLICANT DATED 19.06.2015.
ANNEXURE (A13)	TRUE COPY OF THE LETTER ISSUED BY THE PSC TO THE 3RD APPLICANT DATED 19.06.2015.
ANNEXURE (A14)	TRUE COPY OF THE COMMUNICATION FROM THE PSC TO THE 1ST APPLICANT DATED 30.07.2015.
ANNEXURE (A15)	TRUE COPY OF THE COMMUNICATION FROM THE PSC TO THE 2ND APPLICANT DATED 30.07.2015.
ANNEXURE (A16)	TRUE COPY OF THE COMMUNICATION FROM THE PSC TO THE 3RD APPLICANT DATED 30.07.2015.
ANNEXURE (A17)	TRUE COPY OF THE REPLY OF THE 1ST APPLICANT DATED 12.08.2015.
ANNEXURE (A18)	TRUE COPY OF THE REPLY OF THE 2ND APPLICANT DATED 12.08.2015.
ANNEXURE (A19)	TRUE COPY OF THE ORDER OF THE UNIVERSITY OF CALICUT DATED 10.10.2013.
ANNEXURE (A20)	TRUE COPY OF THE G.O. (MS) NO.245/2010/G.EDN. DATED 25.11.2010 OF THE GOVERNMENT.
ANNEXURE (A21)	TRUE COPY OF THE RELEVANT PAGE OF THE SERVICE BOOK OF THE 1ST APPLICANT.
EXHIBIT P2	TRUE COPY OF THE ORDER DATED 10.01.2020 IN O.A. (EKM) NO.961 OF 2015.