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GOVERNMENT OF KERALA

Personnel and Administrative Reforms (Rules) Department

CIRCULAR

No. 9481/R1/2011/P&ARD. Dated, Thiruvananthapuram, 10th October, 2014.

Sub:—P&ARD—Equivalency of qualification for posts included in the Special Rules—Issuance of timely modification.

In the judgment dated 15-12-2010 in W.A. No. 3012/2007 filed by Smt. Suma, K., the Hon'ble High Court has observed that under the scheme of KS & SSR, the Public Service Commission is incompetent to deal with the question of equivalence of educational or other qualifications prescribed by the Special Rules, unless the Special Rules provide for the recognition of qualifications other than the prescribed qualifications as equivalent to the qualifications prescribed.

2. In this context the Kerala Public Service Commission has requested Government to amend the provision of Rule 10 (a) (ii) of Part II, KS & SSR's to the effect that the Commission may have the powers to recognize appropriate academic qualification to be equivalent to the prescribed academic qualification while conducting selection process within its purview, as the implementation of the judgment mentioned above will adversely affect the selection procedure related to various posts resulting in far reaching consequences.

3. The request of Kerala Public Service Commission to amend the provision of rule 10(a) (ii) of Part II, KS & SSR's was examined in detail by Government.

4. As per Article 309 of the Constitution, the appropriate Legislature may regulate the recruitment, and conditions of service of persons appointed, to public services and posts in connection with the affairs of the State.

Accordingly, the State Legislature has enacted the Kerala Public Services Act, 1968 (19 of 1968) which empowers the Government to make rules to regulate the recruitment, and conditions of service of persons appointed, to public services and posts in connection with the affairs of the State of Kerala. As per the provisions of the Act, only the State Government has the power to regulate the recruitment to public services. Hence the State Government is the only authority having the power to prescribe the qualifications for recruitment and the method of appointment to public services. The said Act does not authorize the Government to delegate their powers in this respect to the Public Service Commission. What is required under the Constitution is only consultation with the Commission on matters relating to methods of recruitment. Further, as per clause (1) of Article 320 of the Constitution of India, it shall be the duty of State Public Service Commission to conduct examinations for appointments to the services of the State. Clause (3) of the said clause specifies the matters in respect of which the Commission shall be consulted.

5. Considering the above facts, Government have decided that it is not essential to bring about a further amendment in rule 10(a) (ii) of the KS & SSR's as proposed by the Kerala Public Service Commission. As a solution to the problems being faced by Kerala Public Service Commission to decide the equivalency of qualifications for different posts due to the existence of educational courses with different types and different nomenclature, Government have decided that the Administrative Departments concerned shall ensure that such equivalency of qualifications are declared at Government level and timely modifications/additions regarding qualifications are made in the Special Rules/ Executive orders concerned.

6. In the circumstances all the Administrative Departments are directed to ensure that the equivalency of qualifications to the particular posts included in their Special Rules from time to time are declared, in consultation with the Personnel and Administrative Reforms Department and after seeking the advice of the Kerala Public Service Commission and timely modifications are made in the Special Rules concerned without delay.

K. AJAYA KUMAR,
Secretary to Government.

To

All Departments/All Sections (including Law and Finance) of Govt. Secretariat

All Additional Chief Secretaries/Principal Secretaries/Secretaries/Special Secretaries/Additional Secretaries/Joint Secretaries/Deputy Secretaries/Under Secretaries to Government

The Principal Accountant General (Audit), Kerala, Thiruvananthapuram (with C.L.).

The Accountant General (A& E), Kerala, Thiruvananthapuram (with C.L.) .

The Advocate General, Kerala, Emakulam/Thiruvananthapuram Branch (with C.L.).

The Registrar, High Court of Kerala, Ernakulam (with C.L.).

The Secretary, Kerala Public Service Commission, Thiruvananthapuram (with C.L.).

The Secretary, Kerala Legislature Secretariat (with C.L.).

The Secretary, State Information Commission, Thiruvananthapuram (with C.L.).

The Director, Information and Public Relations Department (for wide publicity).

Information and Public Relations (Web and New Media) Department (for uploading in the official website).

Personnel and Administrative Reforms (Adv. A, B, C) Department.

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