



## GOVERNMENT OF KERALA

### Abstract

Tourism Department- Judgement dated 17.02.2026 of the Hon' High Court in WP(C)No.5884/2026 Filed by Smt.Rajitha M Asst. Manager(Technical) , BRDC- Complied with- Orders issued

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### TOURISM(B)DEPARTMENT

G.O.(Ms)No.15/2026/TSM Dated,Thiruvananthapuram, 20-05-2026

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Representation dated 15.05.2025,14.10.2025& 08.01.2026 & Read 1. 20.01.2026 submitted by Smt. Rajitha M, Assistant Manager (Technical), BRDC

2. Representation dated 26.02.2026 submitted by Shri Sunil Kumar. P, Assistant Manager, Technical
3. Judgement dated 17.02.2026 of the Hon' High Court in WP(C)No.5884 of 2026 filed by Smt. Rajitha M

### ORDER

Both Smt. Rajitha M, Assistant Manager (Technical) and Sri. Sunilkumar P, Assistant Manager (Technical) submitted requests for promotion to the same post of Manager (Technical), that had been lying vacant in BRDC since 26.05.2025, consequent to the promotion of Shri Ravindran KM . The matter was placed before the 103<sup>rd</sup> meeting of Board of Directors of BRDC and decided to submit a request to Government for taking decision on the matter of promotion to the Post of

Manager(Technical) on the circumstances summarized below.

*(i). Two employees have applied for promotion to the single vacant post of Manager (Technical).*

*(ii). In order to promote both Mr. Sunil Kumar P and Mrs. Rajitha M, the post of Manager (Planning & Information Systems) which has been lying vacant since 06.04.2011 would need to be revived.*

*(iii) Sri. Sunil Kumar P does not possess required qualification for promotion to either of the posts of Manager (Technical) or Manager (Planning & Information Systems) as per the existing educational qualification prescribed*

2. Sri. Sunil Kumar P does not possess required educational qualification for promotion to either the post of Manager (Technical) or the post of Manager (Planning & Information Systems) as per the existing educational qualification prescribed. He possesses only an ITI certificate and joined in BRDC as Draughtsman on 15.07.1998. Later he was promoted to the post of Assistant Manager (Technical) by granting relaxation in qualification. Therefore, any further promotion to the aforementioned posts can be considered only after granting relaxation in the qualifications.

3. The other applicant Smt. Rajitha M possesses B.Tech degree in Civil Engineering with more than 7 years of post qualification experience and additionally holds Post Graduate Degree in Business Administration. As per the existing staff pattern and as per the draft special rules submitted to the government for approval, Smt. Rajitha is found eligible for promotion to the post of Manager (Technical). However, she does not possess required qualification for the post of Manager (Planning & Information).

4. As per GO(Ms) 324/97/GAD dated 20.10.1997 the qualification required for the post of Manager (Technical) and Manager (P&I) are as

follows.

<b>Name of the post</b>	<b>Qualification</b>
Manger(Technical)	Degree in Engineering (Civil) with 7 years post qualification experience preferably in various infrastructure projects.
Manager(planning and Information System)	Degree in Engineering (Civil) with Post graduation Town Planning with at least 7 years experience in relevant field

5. In this context, Smt. Rajitha.M , Asst. Manager(Technical) BRDC filed WP(C) No.5884/2026 before the Hon' High court of Kerala, praying for the issue of necessary directions to the 2<sup>nd</sup> Respondent, the Secretary, Tourism to consider her representation (Exhibit P4) and to grant her promotion to the petitioner to the post of Manager (Technical) in BRDC.

6. The Hon'ble Court in its Judgement dated 17.02.2026 has directed the 2<sup>nd</sup> Respondent , the Secretary, Tourism, to consider Ext.P4 Representation submitted by the petitioner and take appropriate decision thereon within a period of three months after giving an opportunity of hearing the petitioner ,the 3<sup>rd</sup> Respondent, the Managing Director, BRDC and any other affected parties.

7. As per paper (2) above, Shri Sunil Kumar P Asst Manager(Technical), BRDC has submitted a representation to MD, BRDC requesting to give him a hearing as an affected party in WP(C) NO 5884/2026 , since along with Smt. Rajitha M, Assistant Manager (Technical) , Shri Sunil Kumar P also has submitted request for promotion to the same post of Manager (Technical), which has been lying vacant since 26.05.2025.

8. In accordance with the direction in the Judgement dated 17.02.2026 of the Hon' High Court in WP(C)No.5884 of 2026 the petitioner Smt Rajitha , and the affected party, Sri Sunil Kumar P , Asst. Manager(Technical) ,were

heard by the Under Secretary, Tourism, on 18.04.2026 in the presence of MD, BRDC and other officials representing BRDC.

9. The petitioner, Smt. Rajitha M submitted that she holds a B.Tech Degree in Civil Engineering and joined BRDC on 26.02.2011 as Assistant Manager (Technical), in which post she has been serving for the past 15 years. She further submitted that she subsequently acquired an MBA Degree from Madurai Kamaraj University through distance education mode and has been discharging her duties efficiently, handling various technical and non-technical assignments to the satisfaction of her superior officers.

10. She stated that the post of Manager (Technical) became vacant in May 2025 and that the prescribed qualification for the said post is a B.Tech Degree in Civil Engineering with seven years' experience, which she possesses. She further contended that she is the only qualified and eligible candidate within BRDC for promotion to the said post and had accordingly submitted a request for promotion on 15.05.2025.

11. She also pointed out that the Draft Special Rules of BRDC, presently pending Government approval, prescribe the very same qualification for promotion to the post of Manager (Technical). She further submitted that the delay in granting her promotion is adversely affecting her career prospects, particularly in view of her limited remaining service, and contended that she is the sole eligible and deserving candidate for promotion to the said post.

12. The affected party, Shri Sunil Kumar P., Assistant Manager (Technical), asserted his claim for promotion to the post of Manager (Technical) in BRDC emphasizing his extensive service profile, highlighting (i) Total service of about 27 years 8 months, including 15 years as Assistant Manager (Technical) (ii) His position as the senior-most Assistant Manager in the organisation, (iii) His independent charge of the Technical Wing for nearly 5 years during the absence of the incumbent Manager. He detailed his substantial technical experience and responsibilities. He justified and rested his claim for promotion to the post of Manager (Technical) based on his seniority, experience, and long service. Additionally, he requested that an alternative administrative arrangement be considered by reviving the post of Manager (Planning & Information System) and considering Smt. Rajitha M. for that position.

13. The Managing Director, BRDC, stated that the Corporation's position

in the dispute between the two officials staking claim to promotion to the same post is that the Government may take an appropriate decision after a comprehensive examination of all relevant factors, including prescribed qualifications, experience, and the applicable rules and regulations. The Managing Director, BRDC, further clarified that the post of Manager (Planning & Information Systems), which had earlier been proposed for revival to accommodate Smt. Rajitha M by way of promotion, has effectively ceased to exist owing to its prolonged vacancy, and hence revival of this post is not being considered as an option for the resolution of the dispute. With a view to arriving at an equitable and practicable resolution of the dispute between the two officials, Smt. Rajitha M and Shri Sunil Kumar P., both of whom are staking claim to promotion to the same post, the Managing Director, BRDC, proposed the following suggestions:

*(i) Smt. Rajitha M, Assistant Manager (Technical) may be considered for promotion against the existing solitary vacancy in the post of Manager (Technical), in view of the fact that she fulfills the prescribed qualification of a B.Tech degree in Civil Engineering with the requisite seven years' experience.*

*(ii) Shri Sunil Kumar P may be considered for promotion to the post of Manager (Technical) by way of temporary up gradation of one of the 2 posts of Assistant Manager (Technical) to that of Manager (Technical), with relaxation of the prescribed educational qualification, subject to Government approval/ sanction. MD , BRDC further proposed that, upon the retirement of Shri Sunil Kumar P, the upgraded post shall be downgraded and retained as Assistant Manager (Technical).*

14. Government have examined the aforesaid arguments of both the parties concerned on the basis of the Staff Service Rules of BRDC), the recommendations of the Managing Director, BRDC and all connected records placed before Government, and have arrived at the following conclusions:-

(a). As per the existing Staff pattern, Staff Service Rules Smt. Rajitha M is found eligible for promotion to the post of Manager (Technical), as she fulfills the prescribed qualification of a B.Tech degree in Civil Engineering with the requisite seven years' experience.

(b) Shri Sunil Kumar P does not possess the prescribed essential qualification for either of the posts of Manager (Technical) or Manager (Planning & Information Systems). It is also noted that his earlier promotion to the post of Assistant Manager (Technical) was granted by way of relaxation of the applicable qualification norms. In this context, the grant of repeated relaxations, particularly in respect of higher posts, may not be considered appropriate except under exceptional circumstances, such as the non-availability of suitably qualified candidates or demonstrable and duly recorded exceptional merit. In the present case, as a fully qualified candidate is available, the grounds for such relaxation do not appear to be tenable.

(c) As per Clause (f)(i) of Rule 16 of the BRDC Staff Service Rules, which governs the promotion policy, it is explicitly stipulated that "an employee shall not be eligible for promotion unless he satisfies the minimum qualifications prescribed for the post."

(d) The suggestion proposed by the Managing Director, BRDC, is considered to be the most feasible and represents a balanced and practicable resolution to the dispute.

15. Government have examined the matter in detail based on the aforementioned findings and are pleased to issue the following directions:-

(i) Government sanction is accorded to MD, BRDC to grant promotion to Smt. Rajitha M, Asst. Manager, Technical to the post of Manager (Technical), as she fulfills the prescribed qualification of a B.Tech degree in Civil Engineering with the requisite seven years' experience.

(ii) Shri Sunil Kumar P shall be considered for promotion to the post of Manager (Technical) by way of temporary upgradation of one post of

Assistant Manager (Technical) to that of Manager (Technical), with relaxation of the prescribed educational qualification, subject to Government approval/ sanction, in consultation with advisory Departments. Subsequently upon the retirement of Shri Sunil Kumar P, the upgraded post shall be downgraded and retained as Assistant Manager (Technical)

(iii) The Managing Director, BRDC, shall submit a detailed proposal to Government for the temporary upgradation of one post of Assistant Manager (Technical) to that of Manager (Technical), with relaxation of the prescribed educational qualification, for the purpose of facilitating the promotion of Shri Sunil Kumar P to the post of Manager (Technical).

15. In the circumstances stated above, the Judgment dated 17.02.2026 of the Hon'ble High Court of Kerala in WP(C) No.5884/2026 filed by Smt. Rajitha.M stands complied with accordingly.

(By order of the Governor)

K BIJU I A S

SECRETARY

1. Smt. Rajitha M, Assistant Manager (Technical), BRDC
2. Shri Sunil Kumar P, Assistant Manager (Technical), BRDC
- 3 The Advocate General, Kerala,Ernakulam (*with covering letter*).
4. The Managing Director, BRDC
- 5.I&PR(Web & New Media)Department( for Publishing Website)
- 6.Stock File/Office Copy

Forwarded /By order

Section Officer

Copy to:

PA to Secretary, Tourism