



2025:KER:76545

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

WEDNESDAY, THE 15TH DAY OF OCTOBER 2025 / 23RD ASWINA, 1947

WP(C) NO. 19108 OF 2024

PETITIONER:

**BAYBIN J. KORAH (EMPLOYEE NO:293)
AGED 41 YEARS
MANAGER (PUBLICITY, PR AND POLICY),
KOCHI METRO RAIL LTD., 4TH FLOOR,
JLN STADIUM METRO STATION, KALOOR,
KOCHI, PIN - 682017**

**BY ADVS.
SRI.S.P.ARAVINDAKSHAN PILLAY
SMT.N.SANTHA
SRI.V.VARGHESE
SRI.PETER JOSE CHRISTO
SRI.S.A.ANAND
SMT.K.N.REMYA
SMT.L.ANNAPOORNA**

RESPONDENTS:

- 1 KOCHI METRO RAIL LTD.(KMRL)
CORPORATE OFFICE, 4TH FLOOR,
JLN STADIUM METRO STATION,
KALOOR, KOCHI, PIN - 682017
REPRESENTED BY ITS MANAGING DIRECTOR.**



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- 2 **MANAGING DIRECTOR
KOCHI METRO RAIL LTD.(KMRL), CORPORATE OFFICE,
4TH FLOOR, JLN STADIUM METRO STATION, KALLOOR,
KOCHI, PIN - 682017**
- 3 **ANIL KUMAR (EMPLOYEE NO.91)
DEPUTY GENERAL MANAGER, KOCHI METRO RAIL LTD.,
4TH FLOOR, JLN STADIUM METRO STATION, KALLOOR,
KOCHI, PIN - 682017**
- 4 **TEEYA MARY P.J. (EMPLOYEE NO.159)
DEPUTY GENERAL MANAGER, KOCHI METRO RAIL LTD.,
4TH FLOOR, JLN STADIUM METRO STATION, KALLOOR,
KOCHI, PIN - 682017**
- 5 **RAJASEKHARA P.(EMPLOYEE NO.471)
DEPUTY GENERAL MANAGER, KOCHI METRO RAIL LTD.,
MUTTAM DEPOT, ALUVA, ERNAKULAM, PIN - 683501**
- 6 **VIJAY RAM S.(EMPLOYEE NO.495),
DEPUTY GENERAL MANAGER, KOCHI METRO RAIL LTD.,
MUTTAM DEPOT, ALUVA, ERNAKULAM, PIN - 683501**
- 7 **DILEEP KUMAR K.K.(EMPLOYEE NO.463)
DEPUTY GENERAL MANAGER, KOCHI METRO RAIL LTD.,
MUTTAM DEPOT, ALUVA, ERNAKULAM, PIN - 683501**

**BY ADVS.
SRI.ANTONY MUKKATH
SMT.JOHN NELLIMALA SARAI
SRI.MOHAMMED SAGHEER
SRI.REGI MATHEW**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 15.10.2025, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**



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JUDGMENT

Dated this the 15th day of October, 2025

The petitioner is working as Manager in Kochi Metro Rail Limited (KMRL). She holds MSc. Degree qualification in Physics awarded by the Mahatma Gandhi University in the year 2006. The petitioner has also obtained MBA Degree (Marketing) in the year 2008 from the Alagappa University, Tamil Nadu. She also holds MBA Degree (HRM) from the Alagappa University of the year 2013. MBA (Marketing) and MBA (HRM) were obtained by the petitioner by attending distance education.

2. Respondents 1 and 2 decided to fill up the post of Deputy General Managers existing in the KMRL. An interview of eligible candidates was conducted on 05.07.2023. The petitioner would urge that though the petitioner satisfied



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all the eligibility conditions including educational qualifications and residency period, the petitioner was not initially called for the interview. When the petitioner raised objections, later, the petitioner was called for interview, which was held on 06.12.2023.

3. The petitioner states that after conducting the interview, respondents 3 to 7 were promoted as Deputy General Manager as per Exts.P14 and P20, ignoring the superior qualifications and eligibility of the petitioner. The petitioner preferred an appeal, which was answered by the Director (Projects) and in charge HR, as per Ext.P22.

4. In Ext.P22, it was observed that the petitioner was found suitable by DPC. However, she could not be given promotion since the vacancies identified for promotion in the E4 level (DGM) were fully utilised with the candidates in merit list above the petitioner. Therefore, the petitioner's request for reconsideration of promotion was



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rejected by respondents 1 and 2.

5. The petitioner would urge that out of the 20 marks prescribed for educational qualifications under the Rules of respondents 1 and 2, the petitioner was awarded only 15 marks, which made the petitioner's overall rank inferior to the rank of respondents 3 to 7.

6. The petitioner pointed out that the qualification prescribed for the post of Deputy General Manager (HR/Marketing/Administration) is MBA/PG Diploma (2 year) in relevant field as can be seen from Ext.P11. The Managing Director of the KMRL had issued Ext.P12 Office Memorandum No.37/2023 on 06.06.2023 giving clarification regarding consideration of educational qualifications obtained in distance education / part time mode for promotion.

7. In order to give employees, who are already in the rolls of KMRL, the Managing Director ordered that the employees, who are hitherto selected in KMRL through Direct



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Recruitment with the required educational qualification (as per present Rules), but in distance education / part time mode, will be considered for promotions upto just below HOD level (without having present restrictions upto E4/E5), subject to the condition that the qualification obtained is duly recognised / approved by AICTE / UGC as the case may be. As the Managing Director of the KMRL has power to issue such clarification, the educational qualifications of MBA obtained by the petitioner should be treated as equivalent to the MBA qualification obtained by the candidates on regular mode.

8. Counsel for the petitioner pointed out that as per Ext.P11 KMRL Recruitment and Conditions of Service Rules, in case of any doubt or dispute regarding interpretation of these Rules, the decision of the Managing Director shall be final. He / she also has the powers to relax, delete, modify, revise any of the items of the provisions of the Rules, found necessary in future, in the interest of the Company for



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reasons to be recorded in writing.

9. It is in exercise of the powers of relaxation conferred on the Managing Director of the Company under the KMRL Recruitment and Conditions of Service Rules, the Managing Director has issued Ext.P12 Office Memorandum making persons like the petitioner, who have obtained the qualification under the distance education mode, at par with those employees who have obtained qualifications in the regular mode.

10. Counsel for the petitioner urged that once the qualifications obtained by the petitioner in distance mode are equated with the same qualification obtained through regular mode, there cannot be further discrimination between the officials of the Company based on the source of obtaining the qualification.

11. It is further urged that the management of the KMRL has not taken any policy decision to give reduced



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marks for those who have obtained the requisite qualification under the distance education mode. The petitioner is a meritorious candidate, who has scored 47 out of 50 marks for her performance in the KMRL. The petitioner is more meritorious than respondents 3 to 7. The promotion granted to respondents 3 to 7 overlooking the qualifications of the petitioner, is therefore liable to be interfered with and the respondents are compellable to promote the petitioner to the post of General Manager.

12. Standing Counsel entered appearance on behalf of respondents 1 and 2 and resisted the writ petition. On behalf of respondents 1 and 2, it is submitted that it is the prerogative of the employer to fix the qualification for a particular post. As per the HR Rules of the Company, promotion also is a mode of recruitment. The employer is entitled to prescribe qualifications as required as a condition of eligibility after taking into consideration the nature of the



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job, functionality of various qualifications, etc. The minimum educational qualification for the post of Deputy General Manager in the HR/Marketing/Administration Department is MBA/PG Diploma in relevant field (Full Time) from recognised University / Institute, as per Ext.P11 promotion policy.

13. The Managing Director has issued Ext.P12 clarification, which is in the nature of relaxation granted to the employees of KMRL. Such grant of relaxation cannot extend to awarding equal marks ignoring the fact that the petitioner has obtained the qualification through distant education mode.

14. Respondents 1 and 2 further contended that equivalency of qualification acquired through correspondence course / distance mode to that of regular course is for the purpose of pursuing higher education. For recruitment / promotion, every employer is entitled to prescribe industry specific qualification. There is no illegality in the selection process. Marks were awarded on the basis of merits of each



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candidate. The writ petition is therefore without any merit and it is liable to be dismissed.

15. Counsel entered appearance on behalf of respondents 3 to 7 and resisted the writ petition. On behalf of respondents 3 to 7, it is pointed out that though the petitioner is challenging their promotion to the post of Deputy General Manager, the petitioner has not impleaded all the affected parties. The petitioner has picked and chosen respondents 3 to 7 for her convenience. The writ petition is therefore liable to be dismissed for non-joinder of necessary parties.

16. Respondents 3 to 7 further pointed out that Ext.P12 relaxation granted by the Managing Director only states that the qualifications obtained by the employees within the Company “will be considered”. It does not give an assurance that the persons who have obtained qualification from distance education mode will be considered at par with those who have obtained qualification through regular mode



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or will be granted equal marks vis-a-vis those candidates who have obtained qualifications in regular mode of education.

17. I have heard the learned counsel for the petitioner, the learned Standing Counsel representing respondents 1 and 2 and the learned counsel appearing for respondents 3 to 7.

18. The issue involved is promotion to the post of Deputy General Manager in the KMRL. It is seen from Ext.P11 that the minimum qualification prescribed for the post of Deputy General Manager in HR/Marketing/Administration Department is MBA/PG Diploma (2 year) in relevant field (Full Time) from recognised University / Institute. The petitioner has obtained MBA Degree in Marketing as well as HRM from the Alagappa University, Tamil Nadu in distance education mode.

19. The contention of the petitioner is that the Degree obtained by the petitioner through the distance education mode should be treated as equal to the Degree



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obtained in regular mode, as far as the requirements of promotion to the higher post is concerned.

20. Ext.P12 is the Office Memorandum No.37/2023 dated 06.06.2023 issued by the Managing Director of the Company. The clarification given in Ext.P12 indicates that employees, who are hitherto selected in KMRL through direct recruitment with the required educational qualification (as per present Rules), but in distance education / part time mode will be considered for promotions upto just below HOD level (without having present restrictions of upto E4/E5) subject to the condition that the qualification obtained is duly recognised / approved by AICTE / UGC as the case may be. The petitioner claims equal treatment based on Ext.P12 Office Memorandum.

21. A reading of Ext.P12 Office Memorandum would indicate that the said clarification is given taking into consideration the fact that certain employees hitherto selected



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based on educational qualification taken under the distance education are put into a disadvantageous position making them ineligible for promotion due to the insistence on regular course. Ext.P12 is a relaxation granted to the employees selected in the KMRL through direct recruitment. The relaxation granted to the employees of KMRL making them eligible would not *ipso facto* give them a right to equal marks in comparison to those employees / candidates, who have obtained educational qualification in regular mode.

22. In the matter of promotion to higher post, the employer will be at liberty to select the best of the candidates taking into consideration the educational qualification as well as the experience and assign different marks based on the stipulated criteria. Ext.R1(a) DPC evaluation sheet for promotion produced by respondents 1 and 2 would indicate that 20 marks are awarded for minimum qualification as per entry level and if the qualification is not as per policy / one



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level below minimum / entry level, 15 marks are awarded. The policy of the KMRL therefore indicates that differential treatment can be adopted for minimum qualification as prescribed by the Rules and qualification. I do not find any illegality in awarding lesser marks to the candidates, who have obtained qualification through distance education mode, for the purpose of promotion.

The writ petition is therefore found to be without merit and the writ petition is dismissed.

Sd/-
N.NAGARESH
JUDGE

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APPENDIX OF WP(C) 19108/2024

PETITIONER'S EXHIBITS

Exhibit -P1	TRUE COPY OF THE MSC. DEGREE CERTIFICATE IN PHYSICS AWARDED BY MAHATMA GANDHI UNIVERSITY IN 2006.
Exhibit -P2	TRUE COPY OF THE MBA DEGREE CERTIFICATE WITH ELECTIVE GROUP MARKETING IN 2008 BY ALAGAPPA UNIVERSITY, TAMIL NADU.
Exhibit -P3	TRUE COPY OF THE MBA DEGREE(HRM) CERTIFICATE IN 2013 BY ALAGAPPA UNIVERSITY, TAMIL NADU.
Exhibit -P4	TRUE COPY OF THE PUBLIC NOTICE F.NO.3-5/2022(DEB)-III DATED 02.09.2022 OF THE UNIVERSITY GRANTS COMMISSION.
Exhibit -P5	TRUE COPY OF THE LETTER NO.AU/CDOE/DE1/UGC-DEB RECOGNITION/2023 DATED 24.11.2023 OF THE REGISTRAR, ALAGAPPA UNIVERSITY, TAMIL NADU TO THE 2ND RESPONDENT.
Exhibit -P6	TRUE COPY OF THE E-MAIL COMMUNICATION DATED 24.11.2023 OF THE DIRECTORATE OF DISTANCE EDUCATION, ALAGAPPA UNIVERSITY.
Exhibit -P7	TRUE COPY OF THE E-MAIL COMMUNICATION DATED 22.11.2023 FORWARDED TO THE PETITIONER BY ALAGAPPA UNIVERSITY.
Exhibit -P8	TRUE COPY OF THE ORDER NO.KMRL/FIN/HR/APPT/2016 DATED 10.05.2016 OF THE GENERAL MANAGER, KMRL WITHOUT ITS ENCLOSURES.
Exhibit -P9	TRUE COPY OF THE CIRCULAR NO.KMRL/FIN/HR/O.O/2019 DATED 17.09.2019 OF THE GENERAL MANAGER OF KMRL.
Exhibit -P10	TRUE COPY OF THE ORDER NO.KMRL/FIN/HR/DPC/O.O. DATED 21.08.2020 OF THE GENERAL MANAGER,



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KMRL.

Exhibit -P11 TRUE COPY OF THE RELEVANT EXTRACT OF THE SERVICE RULES.

Exhibit -P12 TRUE COPY OF THE OFFICE MEMORANDUM NO.37/2023 DATED 06.06.2023 OF THE 2ND RESPONDENT.

Exhibit -P13 TRUE COPY OF THE REPRESENTATION DATED 05.07.2023 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

Exhibit -P14 TRUE COPY OF THE OFFICE ORDER NO.KMRL/HR/180/2023 DATED 24.08.2023 OF THE GENERAL MANAGER, KMRL.

Exhibit -P15 TRUE COPY OF THE REPRESENTATION DATED 25.08.2023 FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

Exhibit -P16 TRUE COPY OF THE REPRESENTATION DATED 29.09.2023 FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT WITHOUT ITS ENCLOSURES.

Exhibit -P17 TRUE COPY OF THE CERTIFICATE DATED 28.08.2023 ISSUED BY THE DIRECTOR, CENTRE FOR DISTANCE AND ONLINE EDUCATION, ALAGAPPA UNIVERSITY.

Exhibit -P18 TRUE COPY OF THE REPRESENTATION DATED 07.11.2023 FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

Exhibit -P19 TRUE COPY OF THE E-MAIL COMMUNICATION DATED 04.12.2023 FORWARDED BY THE HR OF KMRL TO THE PETITIONER.

Exhibit -P20 TRUE COPY OF THE OFFICE ORDER NO.KMRL/HR/180/2023 DATED 27.12.2023 OF THE GENERAL MANAGER OF KMRL.

Exhibit -P21 TRUE COPY OF THE APPEAL DATED 08.01.2024 FILED BY THE PETITIONER FILED BEFORE THE 2ND RESPONDENT.

Exhibit -P22 TRUE COPY OF THE LETTER NO.KMRL/HR/293/2024 DATED 30.03.2024 OF THE DIRECTOR IN CHARGE OF HR.

Exhibit -P23 TRUE COPY OF THE LETTER NO.KMRL/RTI/2024-25/0002 DATED



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	04.05.2024 OF THE CENTRAL PUBLIC INFORMATION OFFICER.
Exhibit -P24	TRUE COPY OF THE ONLINE RTI APPLICATION DATED NIL FILED BY THE PETITIONER.
Exhibit -P25	TRUE COPY OF THE REPLY DATED 27.09.2023 TO EXT.P24.
Exhibit -P26	TRUE COPY OF THE RELEVANT EXTRACT OF THE PRINT OUT OF LIST OF VARIOUS UNIVERSITIES AS MENTIONED IN EXT.P24.
Exhibit -P27	TRUE COPY OF THE APPEAL DATED 10.05.2024 SUBMITTED BY THE PETITIONER BEFORE THE APPELLATE AUTHORITY(RTI MATTERS), KOCHI METRO RAIL LTD.
Exhibit -P28	TRUE COPY OF THE ORDER FA NO:1 OF 2024-25 DATED 10.06.2024 OF THE APPELLATE AUTHORITY, KOCHI METRO RAIL LTD.

RESPONDENTS' EXHIBITS

EXHIBIT R-1(A)	A TRUE COPY OF THE ASSESSMENT STATEMENT WHICH WAS APPLICABLE FOR THE PROMOTIONS FROM E3 TO E4 DURING THE YEAR 2023
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