

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN

&

THE HONOURABLE MR.JUSTICE K.HARILAL

TUESDAY, THE 24TH DAY OF MARCH 2015/3RD CHAITHRA, 1937

OP(KAT) .No. 85 of 2015 ()

AGAINST THE ORDER/JUDGMENT IN OA 441/2014 of KERALA
ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM DATED 26.02.2014

PETITIONER(S)/APPLICANTS:

1. NEESHA M.N., AGED 32 YEARS,
W/O.A G SUJINKUMAR, MADAVANA HOUSE,
EDAVAKAD P O.,
ERNAKULAM-682502.
2. MINI T.B., AGED 32 YEARS
W/O.SHIBU A.S, ASSARIPARAMBIL HOUSE
POTTAKUZH CROSS ROAD, PACHALAM P O,
ERNAKULAM-682012.

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENT(S)/RESPONDENTS:

1. KERALA PUBLIC SERVICE COMMISSION
REPRESENTED BY THE SECRETARY
KERALA PUBLIC SERVICE COMMISSION, PATTOM,
THIRUVANANTHAPURAM-695 004.
2. THE DISTRICT OFFICER,
KERALA PUBLIC SERVICE COMMISSION,
DISTRICT OFFICE,
ERNAKULAM-682 001.
- * 3. REJANI P.S. (DELETED)
PAPHIKULANGARA, CMC 15, CHERTHALA P.O.,
ALAPPUZHA - 688 524.

*(NAME OF THE THIRD RESPONDENT IS STRUCK OFF FROM THE PARTY
ARRAY AS PER JUDGMENT DATED 24.03.2015 IN THIS ORIGINAL
PETITION)

R1 & R2 BY SRI.P.C.SASIDHARAN, SC, KPSC

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING BEEN
FINALLY HEARD ON 24-03-2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

OP(KAT).No. 85 of 2015 ()

APPENDIX

PETITIONER(S) ' EXHIBITS

P1:- COPY OF THE ORDER DTD 26/2/2014 IN OA NO 441/2014

P2:- COPY OF THE MEMORANDUM OF OA 441/2014 TOGETHER WITH
ANNEXURES

P3:- COPY OF THE ORDER IN CIVIL APPEAL NO 226-227 OF 2015

P4:- COPY OF ORDER IN SLP NO 25636-25637/2013.

RESPONDENT(S) ' EXHIBITS

NIL

//TRUE COPY//

PA TO JUDGE.

THOTTATHIL B.RADHAKRISHNAN &
K.HARILAL, JJ.

.....
OP(KAT) No.85 of 2015
.....

Dated this the 24th day of March, 2015.

J U D G M E N T

Thottathil B.Radhakrishnan, J.

- 1.We have heard the learned counsel for the petitioners and the learned legal retainer for the Kerala Public Service Commission.
- 2.Petitioners, aspirants for the post of High School Assistant (HSA) were included in the select list prepared by the KPSC. Later, they were excluded on the ground that they did not have the requisite qualifications in terms of the notification as referable to the subjects concerned. Their challenge against that was rejected by the Kerala Administrative Tribunal following the decision of this Court in Swapna Sukumar v. Kerala Public Service Commission [2013(3) KLT 53]. The Tribunal's order of dismissal of the original application from which this original petition arises was issued on 26.02.2014. However, this original petition under Article 227 of the Constitution of India is instituted only on 18.03.2015, more

than a year thereafter. We are not satisfied that there is any acceptable reason to entertain this original petition, at this point of time.

3. It is pointed out that civil appeals filed against the decision in Swapna Sukumar (supra) have been decided by the Honourable Supreme Court of India, along with a batch of cases. That is shown to have been decided by Their Lordships as per judgment dated 08.01.2015 (Ext.P3). It is pointed out by the learned counsel for the petitioners that going by the terms of that judgment, the petitioners are also entitled to the benefit thereof, since they are also among those included in one of the lists as has been enumerated in paragraph No.14 of that judgment. We are sure that neither the impugned order of the Tribunal nor this judgment would stand in the way of the petitioners enjoying any benefit available to them in terms of Ext.P3. We leave open the petitioners' right to seek such relief from appropriate jurisdiction, in accordance with law, though it would not be possible for us to

give such benefit in exercise of jurisdiction under Article 227 of the Constitution of India.

4. We sustain the objection raised by the KPSC as to the impleadment of a third party – third respondent in the cause title of the original petition.

In the result, the name of the third respondent is struck off from the party array and this original petition is ordered in terms of what is stated above.

(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

(K.HARILAL, JUDGE)

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