IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MR.JUSTICE K.HARILAL

WEDNESDAY, THE 25TH DAY OF MARCH 2015/4TH CHAITHRA, 1937

OP(KAT).No. 102 of 2015 ()

AGAINST THE ORDER/JUDGMENT IN OA 191/2015 of KERALA ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM DATED 05-02-2015

PETITIONER(S):
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1. SANIL MAVELY, AGED 37 YEARS,
S/O.MANI, MAVELIL HOUSE, VALLICHIRA VILLAGE
EDANADU PO, PIN - 686574, KOTTAYAM DISTRICT.

2. GOPI KRISHNA, AGED 30 YEARS,
S/O. M.K.GOPINADAN, MANIKKATHU HOUSE
POOVARANI VILLAGE, MEENACHIL TALUK,
POOVARANI.P.O.,
PIN - 686 577.

BY ADVS.SRI.V.SETHUNATH
SRI.V.R.MANORANJAN (MUVATTUPUZHA)

RESPONDENT(S):

THE KERALA PUBLIC SERVICE COMMISSION
REPRESENTED BY THE SECRETARY, PATTOM P.O.,
THIRUVANANTHAPURAM, PIN - 695 004.

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

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING COME UP FOR ADMISSION ON 25-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP(KAT)102/15

APPENDIX

PETITIONERS' EXHIBITS

P1 : COPY OF PETITION IN O.A.NO.191/2015 ON THE FILE OF THE K.A.T.

P2 : COPY OF ORDER OF THE KERALA ADMINISTRATIVE TRIBUNAL IN O.A.NO.191 OF 2015.

//TRUE COPY//

PA TO JUDGE.

jg

THOTTATHIL B.RADHAKRISHNAN &
K.HARILAL, JJ.

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OP(KAT) No.102 of 2015

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Dated this the 25th day of March, 2015.

J U D G M E N T

Thottathil B.Radhakrishnan, J.

Petitioners, who are aspirants for the post of Commercial Tax Officer, moved the Kerala Administrative Tribunal complaining that the syllabus for the examination has been changed in such a manner that they have to appear and answer for questions unrelated to their qualification in Law. Annexure A1 is the notification inviting applications. Three alternate educational qualifications are prescribed : Graduation in Law or a pass in Chartered Accountant (inter) or Masters Degree in Commerce or MBA (Finance). Having notified those qualifications, it is up to the examining authority to evaluate candidates as to their fitness of being considered for the post of Commercial Tax Officer. Inclusion of vast spectrum of subjects, none of which could be treated as irrelevant, does not vitiate the process. Not only that, putting down the syllabus of a test is different from saying that the rules of selection are being changed. The Tribunal has, therefore, rightly dismissed the application holding that the prescription of syllabus is neither mandatory nor statutory. We do not find any jurisdictional error or illegality in the order of the Tribunal warranting interference in exercise of authority under Article 227 of the Constitution of India. This original petition fails.

In the result, this original petition is dismissed in limine.

(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

(K.HARILAL, JUDGE)

jg