

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

OP(KAT).No. 121 of 2015 (Z)

AGAINST THE ORDER/JUDGMENT IN OA 2033/2014 of KERALA
ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM DATED 29.10.2014

PETITIONER(S) : /APPLICANT

AJEESH V.S., AGED 29 YEARS,
S/O.VIJAYAKUMARAN NAIR,
V.S.NIVAS, ANRA A 61,
PALATHARA, POWDIKONAM P.O.,
THIRUVANANTHAPURAM, KERALA - 695 587.

BY ADVS.SRI.NAGARAJ NARAYANAN
SRI.SAIJO HASSAN
SRI.BENOJ C AUGUSTIN
SRI.VISHNU BHUVANENDRAN
SRI.P.K.JAYAKRISHNAN

RESPONDENT(S) : /RESPONDENTS

1. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM,
KERALA - 695 001.
2. KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY ITS SECRETARY,
THIRUVANANTHAPURAM, KERALA - 695 004.
3. DISTRICT OFFICER, DISTRICT OFFICE,
KERALA PUBLIC SERVICE COMMISSION,
THIRUVANANTHAPURAM, KERALA - 695 004.

R1 BY SRI.S.JAMAL, SR.GOVERNMENT PLEADER
R2 & R3 BY SRI.P.C.SASIDHARAN, SC, KPSC

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING COME UP
FOR ADMISSION ON 08-04-2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

OP (KAT) 121/15

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF ORDER DATED 29.10.2014 PASSED BY THE LEARNED
KERALA ADMINISTRATIVE TRIBUNAL.

P2 : COPY OF ORIGINAL APPLICATION NO.2033/2014.

//TRUE COPY//

PA TO JUDGE.

THOTTATHIL B.RADHAKRISHNAN &
K.HARILAL, JJ.

.....
OP(KAT) No.121 of 2015
.....

Dated this the 8th day of April, 2015.

J U D G M E N T

Thottathil B.Radhakrishnan, J.

- 1.We have heard the learned counsel for the petitioner, quite in extenso.
- 2.This original petition is filed under Article 227 of the Constitution of India challenging a decision of the Kerala Administrative Tribunal dismissing petitioner's application seeking intervention with the Public Service Commission's decision that the petitioner was not qualified in terms of the notification for being included in the ranked list.
- 3.The petitioner was issued with hall ticket. He wrote the written test held on 09.05.2013. He cleared the practical test on 05.05.2014. However, it was noted by the Public Service Commission that his driving licence had expired on 29.01.2013

much before the written test and he obtained, what is called as a renewal, only on 13.06.2013. Unless the renewal is done within a period of one month of the expiry, such renewal would not relate back to the date of expiry. So for all technical purposes, he did not possess a current driving licence from 30.01.2013 to 12.06.2013. Therefore, the Tribunal was justified in holding that he cannot be treated as a candidate who possessed “a current driving licence at the last date for receipt of application and on the date of the practical test and advice”. The currency of the licence contemplated by that provision is the currency of a particular licence. That licence ought to be current as on the date of application and till the date of the practical test and advice. Currency of such a licence is a concept of continuity of eligibility to drive a motor vehicle, in accordance with law. That currency cannot be split to be treated as a currency available for a licence as on the date of application and yet another validity of a licence that accrued by the so-called renewal of the expired licence on 13.06.2013. This is how we need to note the provision in the

notification of the PSC regarding the prescription as to the possession of “a current driving licence”. We are unable to conceive that a person who had not maintained his licence to be current during any part of the period, could be treated as eligible in terms of the notification. The Tribunal's decision is, therefore, not vitiated by any error of jurisdiction or illegality. This original petition, therefore, fails.

In the result, this original petition is dismissed.

(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

(K.HARILAL, JUDGE)