

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON
&
THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

MONDAY, THE 25TH DAY OF MAY 2015/4TH JYASHTA, 1937

OP(KAT).No. 124 of 2015 (Z)

PETITIONER:

DR. SAJITHA R.
W/O.DR.VIKAS VIJAYAN, "USHUS", POOMALA
KOOVAKKANDAM P.O., THODUPUZHA-685588.

BY ADVS.SRI.R.LAKSHMI NARAYAN
SMT.R.RANJINI

RESPONDENTS/DEFENDANTS IN O.A.:

1. KERALA PUBLIC SERVICE COMMISSION
REPRESENTED BY ITS SECRETARY
KERALA PUBLIC SERVICE COMMISSION, PATTOM
THIRUVANANTHAPURAM 695004.
2. THE SECRETARY,
KERALA PUBLIC SERVICE COMMISSION, REGIONAL OFFICE
ERNAKULAM (NEAR SOUTH RAILWAY STATION
EASTERN ENTRY TOWER) 682016.

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

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING COME UP FOR
ADMISSION ON 25-05-2015, ALONG WITH OPKAT. 126/2015, OPKAT.
133/2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP(KAT).No. 124 of 2015 (Z)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1. THE TRUE COPY OF THE ORDER DATED 13.3.2015 IN O.A.(EKM)
NO.194/2015.

EXT.P2. THE TRUE COPY OF THE O.A.(EKM) NO.194/2015 ALONG WITH
EXHIBITS.

EXT.P3. THE PHOTOCOPY OF THE ORDER DATED 11.3.2015 IN O.A.(EKM) NO.258
OF 2015.

RESPONDENT(S)' EXHIBITS

NIL

ks.

True copy

P.S. (Hr.Gr.)To Judge

**P.R. RAMACHANDRA MENON
&
BABU MATHEW P. JOSEPH, JJ.**

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O.P. (KAT) Nos. 124, 126 & 133 of 2015

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Dated this the 25th day of May, 2015

JUDGMENT

P.R. Ramachandra Menon,J.

The issue involved in all these cases is in respect of similar cause of action and hence all these cases are disposed of together. The question to be considered is whether the lapse on the part of the petitioners in not uploading the 'name' and 'date of the photograph' in the application submitted in response to the notification issued by the Public Service Commission (PSC) for selection and appointment of the post of Medical Officers (Homoeo) is a minor mistake or not?

2. Various contentions have been raised in the original petitions. The petitioners concerned have approached this Court because of the interference declined by the Kerala Administrative Tribunal (KAT) in the concerned O.As.

3. Heard both the sides. It is born out by the materials on record that the matter was heard in detail by the KAT involving a similar issue and a detailed judgment was passed therein. Interference sought for was declined by placing reliance on the decision rendered by a Division Bench of this Court reported in **Sasikala v. Kerala Public Service Commission (2012(2)KLT 585)**.

4. On going through the contents of the said verdict, this Court finds that, after meticulous analysis of the facts and figures and the relevant provisions of law, it has been held by the Bench that the mistake, as similar to the issue involved in the present case, is a serious one? It was accordingly, that interference was declined and the case was

dismissed. Reference was made to the said decision, on a subsequent occasion, by another Division Bench of this Court (to which one of us was a member) and the position was affirmed as per the verdict in **Sreejesh Vijayan v. State of Kerala (2014(1)KLT 1003)**. It is also brought to the notice of this Court that, in respect of the very same selection exercise involved herein, some other aggrieved parties had approached this Court with similar grievance by filing OP (KAT) No. 1356 of 2014 and after considering the matter, the said O.P. was dismissed as devoid of any merit. This Court does not find any reason to take deviation from the law already declared.

5. However, during the course of hearing, it is brought to the notice of this Court by the learned counsel for the petitioners that, in view of the subsequent developments, particularly pursuant to the challenge raised by some of the aggrieved persons before the Apex Court, the PSC had

decided to extend an opportunity as "one time measure" to effect corrections and it was accordingly, that Annexure A-12 (forming part of Ext.P2 produced along with OP(KAT) No. 126 of 2015) came to be issued. As per the decision taken by the PSC, an opportunity was given to the aggrieved persons to effect the corrections for uploading the 'name' and 'date of the photograph' as a one time measure, during the period from 1.4.2014 to 15.5.2014. The learned counsel for the petitioners submits that the petitioners are also to be given relief to the said extent, as the selection process has not been finalised.

6. The version of the petitioners is sought to be rebutted by the learned Standing Counsel for the PSC, pointing out that the document produced as 'Annexure-A12' is only a paper report, which is not a fully correct version. In fact, the concerned notification issued by the PSC has been published in the 'PSC Bulletin'. A copy of the said notification

is placed for consideration before this Court. After referring to the one time registration, the particulars with regard to the time within which the benefit has to be availed, have been clearly stated, also stipulating the last date. It has also been categorically mentioned that, such benefits will be extended **only in respect of the selection process where the last date for sending the application is already over, but where the selection process is still to be commenced.** This vital aspect, as to the commencement of the selection process, is never made a mention in Annexure A-12 forming part of Ext.P2 produced in OP (KAT) 126 of 2015.

7. Admittedly, written test in the instant case was over on '4.10.2013' and as such, the selection process has already begun; which hence does not come within the purview of Annexure A-12 notification issued as a one time measure. This being the position, this Court does not find

any merit to interfere with the selection process being pursued by the PSC. Interference is declined and all the Original Petitions are dismissed.

Sd/-
P.R. RAMACHANDRA MENON
JUDGE

Sd/-
BABU MATHEW P. JOSEPH
JUDGE

ks.

True copy

P.S. (Hr.Gr.)To Judge

