

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

WEDNESDAY, THE 20TH DAY OF MAY 2015/30TH VAISAKHA, 1937

OP(KAT).No. 136 of 2015 (Z)

AGAINST THE ORDER/JUDGMENT IN OA 2216/2013 of KERALA ADMINISTRATIVE
TRIBUNAL, THIRUVANANTHAPURAM

PETITIONER(S) :

DR.REMYA RAJU, AGED 28 YEARS,
W/O. SIJU K.S., HOUSE NO. 220, KAITHAVALAPPIL
SHUTTER JUNCTION, KATTACHIRA P.O., KOTTAYAM DISTRICT
PIN - 686 572.

BY ADV. SRI.C.S.MANU

RESPONDENT(S) :

1. KERALA PUBLIC SERVICE COMMISSION
PATTOM, THIRUVANANTHAPURAM - 695004
REPRESENTED BY ITS SECRETARY.

2. THE SECRETARY,
KERALA PUBLIC SERVICE COMMISSION, PATTOM
THIRUVANANTHAPURAM - 695 004.

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

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING BEEN FINALLY
HEARD ON 20-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT-P1	TRUE COPY OF THE O.A 2216 OF 2013 FILED BY THE PETITIONERS BEFORE THE KERALA ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM, ALONG WITH ANNEXURES.
EXHIBIT-P2	TRUE COPY OF THE NOTIFICATION NO. ER-XXIII(1) 808/2014/EW DATED 06/02/2015 ISSUED BY THE 2ND RESPONDENT.
EXHIBIT-P3	TRUE COPY OF THE ORDER DATED 19/03/2015 IN O.A 2216 OF 2013 PASSED BY THE KERALA ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM.

RESPONDENT(S) ' EXHIBITS : NIL

/TRUE COPY/

P. A. TO JUDGE

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

O.P.(KAT) No. 136 of 2015

Dated this the 20th day of May, 2015

J U D G M E N T

Babu Mathew P. Joseph, J.

The petitioner is a graduate in Homoeopathy medicine (BHMS). She has applied for recruitment to the post of Medical Officer (Homoeo) to the Kerala Public Service Commission. Later, finding that it was not possible for her to appear for the written examination being conducted by the Commission for want of name and the date of taking of the photograph on the photograph uploaded along with the application, the petitioner preferred an Original Application, O.A. No.2216 of 2013, before the Kerala Administrative Tribunal. The learned Tribunal, by an interim order, permitted the petitioner to appear for the written examination. Thereafter, the respondents issued Ext.P2

notification dated 06.02.2015 invalidating the candidature of the petitioner for the reasons that the name and the date of taking of the photograph were not shown on the photograph uploaded at the time of submitting the application. Subsequently, the petitioner challenged that notification also by way of amending the Original Application before the Tribunal. The learned Tribunal, after considering the matter, by Ext.P3 order dated 19.03.2015, dismissed the Original Application of the petitioner following the ruling of this Court in **Sasikala v. K.P.S.C. (2012 (2) KLT 585)** and a decision rendered by the Tribunal itself in O.A. No.258 of 2015. Challenging Ext.P3 order so passed by the learned Tribunal, the petitioner has approached this Court by way of filing this Original Petition.

2. Heard the learned counsel appearing for the petitioner and the learned standing counsel appearing for the respondents.

3. As per the notification issued by the Kerala Public

Service Commission inviting applications for the post of Medical Officer (Homoeo), the petitioner should have shown the name and the date of taking of the photograph on the photograph uploaded along with the application submitted by her. But, admittedly, the petitioner had not done so. That was the reason, as could be seen from Ext.P2, for invalidating the application submitted by the petitioner. This question has been considered by a Division Bench of this Court in **Sasikala v. K.P.S.C.** (supra) and laid down that non-mentioning of identity of person and date on which the photograph was taken on the photograph as stipulated in the notification is not a minor defect and, in a similar situation, the Original Petition filed by the petitioner therein was dismissed. The law thus laid down by this Court has been followed by another Division Bench in **Sreejesh Vijayan v. State of Kerala (2014 (1) KLT 1003)**. In the light of these authoritative pronouncements governing the field, the order passed by the learned Tribunal does not call

for any interference. This O.P.(KAT) is devoid of any merits and hence it is liable to be dismissed. Therefore, it is dismissed.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.

Sd/-

BABU MATHEW P. JOSEPH, JUDGE.

Pn