

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN
&
THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

MONDAY, THE 23RD DAY OF NOVEMBER 2015/2ND AGRAHAYANA, 1937

OP(KAT).No. 195 of 2015 (Z)

AGAINST THE ORDER IN OA 227/2015 of KERALA ADMINISTRATIVETRIBUNAL,
THIRUVANANTHAPURAM (CAMP SITTING, ERNAKULAM) DATED 10.03.2015

PETITIONERS/APPLICANTS IN OA:

1. BINDU P.B, AGED 38 YEARS
W/O.KALESH P.V.,PONNETHUPARAMBIL HOUSE, KONOOR DESOM
NALUKETTU PO
THRISSUR DISTRICT-680308, THRISSUR DISTRICT. PH: 9745297470
2. JAYALAKSHMI K.
AGED 30 YEARS, W/O.SREEKUMAR C.G., KANIYATH HOUSE
SASTHAMKADAVU DESOM, KODANNUR PO
THRISSUR DISTRICT-680 574. PH:9947469039
3. SANGEETHA VALSAN P.V.
W/O.AJAYAN T.V.,PULIPARAMBIL HOUSE, UDAYA NAGAR
OPPOSITE INLAND FLAT, AYYANTHOLE PO
THRISSUR DISTRICT. PH: 9567712681

BY ADVS.SRI.SHOBY K.FRANCIS
SRI.T.G.MANOJ
SRI.T.G.SANTHOSH

RESPONDENTS/RESPONDENTS IN OA:

1. KERALA STATE PUBLIC SERVICE COMMISSION,
REPRESENTED BY ITS SECRETARY, THULASI HILLS
PATTOM PALACE PO, THIRUVANANTHAPURAM-695 004.
2. STATE OF KERALA
REPRESENTED BY THE CHIEF SECRETARY
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.

* ADDL.R3 TO R35 IMPEADED

ADDL.R3. INDU C.J CHITTELAPPILLY HOUSE, ALAKAPPANAGAR P.O,
AMBALLOOR, 680302

ADDL.R4 : ABHILASH BABU M.V., S/O.BABU RAJENDRAPRASAD, 26 YEARS,
MOOTHEY HOUSE, EDANYTTOM P.O, THRISSUR, 680 568

ADDL.R5 : SHAUBITHA K.A., W/O.NAZEER, 36 YEARS, MEKARAPALAKAL HOUSE,
PERINGOKKUKARA P.O, VADAKUMURI, THRISSUR DT.680 570

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ADDL.R6 : GREESHMA. D/O.SUBRAHMONIAN, 29 YEARS, NJATTUVETTY HOUSE,
THANNYAM DESOM, PERINGOTTUKARA P.O, THRISSUR

ADDL.R7 : ANCY C.V., W/O.JOSE, 29 YEARS, THERUKATTILINJAMUDIKKARAN,
CHIRAKKAL, KARUPADOM, THRISSUR 680564

ADDL.R8 : SUMI V.GOPAL, D/O.GOPALAKRISHNAN, 32 YEARS, VAKKAKATTIL HOUSE,
KODUNGALLUR P.O, THRISSUR

ADDL.R9 : SANGEETHA.K.D., THATTUPARAMBIL HOUSE, NATTIKA P.O, 680566, THRISSUR

ADDL.R10 : RESMI.K.R., KATTARA HOUSE, KANNAPURAM, CHETTUPUZHA PO.
680681, THRISSUR

ADDL.R11 : RAJANISH N.R., NJATTUVETTY HOUSE, PAZHUVIL WEST P.O,
THRISSUR 680565

ADDL.R12 : JISHA VARGHESE, THATTIL MANDY HOUSE, OLARIKKARA, PULLAZHI P.O.
THRISSUR

ADDL.R13 : SREEKALA V.V., VILAKKATHARATH HOUSE, CHERUVATHERY.P.O,
CHEVVOOR, 680027

ADDL.R14 : REKHA MOL P.K, KAIKULANGARA HOUSE, PADDY P.O., KODALY, THRISSUR

ADDL.R15 : LINTO CA, CHEERAMBAN HOUSE, VELLATTANJUR P.O. 680601, THRISSUR DT.

ADDL.R16 : SINTO K J, KIZHOOR MUTTIKKAL HOUSE, PULIYANNOR,
VELLATTANJOOR P.O, 680601

ADDL.R17 : BIJITHA P G, PULIKKAL HOUSE, CHITTILAPPILLY P.O., 680551, THRISSUR

ADDL.R18 : MINI M.V, THAYYIL HOUSE, RAPPAL, PUDUKKAD P.O., 680 301, THRISSUR

ADDL.R19 : ANSHY N A, NELLIPPILLY HOUSE, PO MATTATHUR KUNNU, VASU PURAM,
PIN 680 684

ADDL.R20 : JINSON T.V., THEKKEKARA HOUSE, VELUR BAZAR P.O. THRISSUR DT.680601

ADDL.R21 : PRIYA V P, W/O.BABU KK, 40 YEARS, KILIYAMPARAMBIL HOUSE,
ARIYANNOR PO., 680 102, THRISSUR DT.

ADDL.R22 : SANGEETHA SASIDHARAN, 27 YEARS, W/O.SANOJ, KANNAPPASSERY HOUSE,
VILAKKUMKAL PO, KANDASSANKADAVU, 680 793, THRISSUR

ADDL.R23 : SUJITHRA KT, 38 YEARS, W/O.RANJAN, KOTILAPURA HOUSE, KARALAM PO,
680711, THRISSUR

ADDL.R24 : REEDHA VS, 40 YEARS, W/O.SANJAYAN, VAKKAYIL HOUSE,
PULLATHARA DESOM, KARALAM PO., THIRISSUR

ADDL.R25 : KAVITHA PV, 37 YEARS, W/O.ANILKUMAR K G, KOLLARA HOUSE,
PULLATHARA, KARALAM PO, THIRISSUR

ADDL.R26 : ZEENATH T K. W/O.ZAKEER HUSSAIN, 32 YEARS, PUTHIYA VEETIL HOUSE,
KARALAM PO, THRISSUR DISTRICT

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ADDL.R27 : DELLA PD, 33 YEARS, W/O.JOSEPH A G, ALAPPADAN HOUSE, KARALAM P.O, THRISSUR DT.

ADDL.R28 : SOUMYA KS, W/O.REJI AS, 28 YEARS, ATHAKUDAM HOUSE, KUNNAPPILLY PO, MELUR VILLAGE, THRISSUR - 680 311

ADDL.R29 : SINDU KS, W/O.BHASKARAN, 35 YEARS, KARANATH HOUSE, KODALYDESOM, PADDY PO, THRISSUR DT.

ADDL.R30 : SUMA THOMAS VAZHAPPILLY, W/O.SHOBHAN PT, 34 YEARS, POOVATHUNDAL HOUSE, KUTTUMUKKU, RAMAVARMAPURAM PO, THIRSSUR DT.

ADDL.R31 : REMYA REVIKUMAR, W/O.INDRAN KN, 31 YEARS, KALIKADAVIL HOUSE, MUTHRATHIKARA DESOM, PARAPPUKKARA PO, THRISSUR DT.

ADDL.R32 : SUBHA E S, W/O.SHAJ TR, 37 YEARS, THEKKEKALATHIL HOUSE, THALASSERY DESOM AND PO, DESAMANGALAM VIA, THRISSUR DISTRICT-679532

ADDL.R33 : SINI KK, W/O. C S SHINE, 39 YEARS, CHEMBANGATTU HOUSE, KOTHAPARAMBU PO, KODUNGALLUR, 680668, THRISSUR DT.

ADDL.R34 : SOUMYA PS, W/O.UNNIKRISHNAN KG, 32 YEARS, KOKKUVAYIL HOUSE, KOTHAPARAMBU PO, KODUNGALLUR - 680 668, THRISSUR DT.

ADDL.R35 : NITH T A , W/O.DILEEP, 26 YEARS, MELEZHATH HOUSE, MADAVANA PO, KODUNGALLUR, 680 666, THRISSUR

*ADDITIONAL R3 TO R35, IMPEADED AS PER ORDER DATED 09.09.2015 IN I.A.NO.11345/2015 IN OP(KAT)195/2015

R1 BY ADVS. SRI.P.C.SASIDHARAN, SC, KPSC

SRI.ARAVINDA BABU

R2 BY GOVERNMENT PLEADER SRI.P.M.SANEER

ADDL R3-R35 BY ADV. SMT.MISHAL M.DASAN

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING BEEN FINALLY HEARD ON 23-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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APPENDIX

PETITIONER(S)' EXHIBITS & ANNEXURES

P1 - TRUE COPY OF THE OA (EKM) NO.227/2015 DATED 3.3.15.

ANNEXURE A1 : COPY OF THE NOTIFICATION DATED 31.12.2013 IN CATEGORY NO.567/2013 TO THE POST OF LAST GRADE SERVANTS OF VARIOUS DEPARTMENTS ISSUED BY THE 1ST RESPONDENTS

ANNEXURE A2 : COPY OF THE ADMISSION TICKET DATED NIL.

ANNEXURE A3 : COPY OF THE ADMISSION TICKET DATED NIL

ANNEXURE A4 : COPY OF THE ADMISSION TICKET DATED NIL

ANNEXURE A5 : COPY OF THE "C" SERIES QUESTION PAPER BOOK ISSUED BY THE PSC DATED NIL NO.207/2014-M

ANNEXURE A6 : COPY OF THE FINAL ANSWER KEY TO THE QUESTION BOOK CODE NO.207/2014 DATED NIL

ANNEXURE A7 : COPY OF THE RELEVANT PAGES OF THE TEXT BOOK OF BASIC SCIENCE OF THE VIIITH STANDARD DATED NIL

ANNEXURE A8 : COPY OF THE PROVISIONAL ANSWER KEY DATED NIL CODE NO.207/2014 ISSUED BY THE 1ST RESPONDENT

P2 - TRUE COPY OF THE JUDGMENT IN OA (EKM)NO.227/2015 DATED 10.3.2015 OF THE HON'BLE KAT

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A TO JUDGE

AV

**K. SURENDRA MOHAN
&
SHAJI P.CHALY, JJ.**

O.P.(KAT).No.195 of 2015

Dated this the 23rd day of November, 2015.

J U D G M E N T

Surendra Mohan, J.

The petitioners have filed this original petition challenging the order passed by the Kerala Administrative Tribunal ('KAT' for short) in O.A.(EKM)No.227 of 2015. The petitioners had filed the O.A challenging the action of the Kerala Public Service Commission ('PSC' for short) in deleting three questions by publishing a final answer key. The PSC had conducted a written examination on 06.12.2014 for selection and appointment to the post of Last Grade Servants in Thrissur District, pursuant to Ext.A1 notification. The petitioners were candidates who had applied for the post. They had also appeared for the written examination. After the exams were conducted, the PSC published Annexure A6 final answer key to the question paper with code number 207/2014. In Annexure A6, the 1st respondent deleted question Nos.8, 65 and 83 (in Alpha Code C) from the valuation, according to the petitioners,

without any reasons. The contention of the petitioners is that, deletion of the said answers would adversely affect their results. According to them, the questions are correct and they have answered the said questions correctly. In view of the above, they approached the KAT seeking appropriate reliefs in the matter.

2. After considering the contentions of the petitioners as well as the PSC, the KAT held that, matters regarding deletion of questions are best left to the PSC, without being interfered with by the KAT. Accordingly, the O.A filed by the petitioners has been dismissed.

3. According to the learned counsel for the petitioners, there was absolutely no justification for the PSC, to have deleted the said questions. It is contended that, the questions were correct and that, they were deleted without any justification.

4. According to the learned Standing Counsel for the PSC, the PSC does not set question papers. The question papers are set by experts. After the examination, objections regarding the options indicated as answers to the questions, are considered. Where objections are found to be justified, the wrong questions

are deleted. In the case of the present written examination, 13 questions were objected to by various persons. After examining the objections and considering the opinions of experts, the objections relating to 10 questions were rejected. However, the objections to three questions were found to be justified and therefore, those three questions were deleted. Absolutely, no prejudice has been caused to the petitioners by the deletion of the said questions. The answer options provided for the said questions were found to either wrong or confusing.

5. Having heard the learned counsel appearing for the respective parties, we are not satisfied that, an interference with the deletion of the questions by the PSC is called for. Whether the options provided as answers to a particular question were correct or confusing, are matters on which the PSC has to take a decision. It is not for either the KAT or this Court to sit in judgment over the correctness of the questions. In the present case, we have also been taken through the questions that were deleted. We find that, the answer options provided were either wrong or confusing. Therefore, we do not find any merits in the contentions put forward by the

petitioners.

For the foregoing reasons, this original petition is dismissed.

Sd/-

K. SURENDRA MOHAN, JUDGE

Sd/-

SHAJI P.CHALY, JUDGE

AV