

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. 242 of 2015 (Z)

AGAINST THE ORDER IN OA (EKM) 697/2015 of KERALA ADMINISTRATIVE TRIBUNAL,
THIRUVANANTHAPURAM (CAMP SITTING, ERNAKULAM) DATED 17-07-2015

PETITIONERS/APPLICANTS:

1. VEENA K.R, AGED 28 YEARS
PUTHIYOTTIL HOUSE, VILLIAPPALLY, KOZHIKODE
PIN-673 542.
2. SHAILESH MANATHANATH
PUTHIYOTTIL HOUSE, VILLIPPALLY, KOZHIKODE
PIN-673 542.

BY ADVS.SRI.M.R.VENUGOPAL
SMT.DHANYA PASHOKAN

RESPONDENT/RESPONDENT:

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

R BY ADVS. SRI.P.C.SASIDHARAN, SC, KPSC
SRI.ARAVINDA BABU

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING COME UP FOR
ADMISSION ON 23-11-2015, ALONG WITH OPKAT.254/2015, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:

OP(KAT).No. 242 of 2015 (Z)

APPENDIX

PETITIONER(S)' EXHIBITS

P1- TRUE COPY OF THE ORDER DATED 17.07.2015 IN O.A.(EKM.)NO.697/2015.

P2- TRUE COPY OF THE O.A.(EKM.)NO.697/2015 ALONG WITH EXHIBITS.

P3 : TRUE COPY OF APPLICATION SUBMITTED BY SRI.BINEESH K.M DATED 1/8/2015

P4 : COPY OF REPLY DATED 25.08.2015 GIVEN BY THE STATE PUBLIC INFORMATION OFFICER

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A TO JUDGE

AV

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

O.P.(KAT).Nos.242 & 254 of 2015

Dated this the 23rd day of November, 2015.

J U D G M E N T

Surendra Mohan, J.

The petitioners in both these original petitions challenge the orders of the Kerala Administrative Tribunal ('KAT' for short), dismissing the original applications filed by them. Pursuant to a notification issued by the Kerala Public Service Commission ('PSC' for short), the petitioners in both these cases had applied for being selected and appointed to the post of H.S.A (English). The notification was issued on 31.12.2012. The last date for submitting applications was 06.02.2013. The petitioners had submitted their applications online. However, while uploading their photographs in their application forms, they had uploaded photographs, which did not bear the name or date of taking the photographs. For the said reason, their applications were rejected. The petitioners had approached the KAT, challenging the rejection of their application forms. The KAT has dismissed the original applications.

2. According to Adv.Sri.M.R.Venugopal and Adv.Sri.K.Mohanakannan who appear for the respective

petitioners, the petitioners in both these cases had made necessary corrections in their registration particulars, by uploading proper photographs showing their names and dates. They admit that, initially while submitting their applications, the photographs uploaded by them did not bear either the dates or their names. In O.P.(KAT)No.242 of 2015, it is submitted that corrected photographs had been uploaded on 06.09.2013 and 30.08.2013 respectively. In O.P.(KAT)No.254 of 2015, according to the counsel, the corrected photograph had been uploaded on 03.09.2013. Therefore, according to the learned counsel, the corrected photographs had been uploaded on the website of the PSC long before 01.04.2014. The PSC had provided an opportunity to all candidates, who had not uploaded proper photographs in accordance with the stipulations, to correct their mistakes from 01.04.2014 to 15.05.2014. Since the petitioners had already corrected their mistakes by uploading proper photographs on the dates mentioned hereinabove, it is contended that, the PSC ought to have accepted the corrections and permitted them to appear for the examinations. It is pointed out by the learned counsel that, the above aspect has been omitted to be taken note of by

the KAT.

3. The learned Standing Counsel for the PSC disputes the above contention of the learned counsel for the petitioners. A counter affidavit has been filed in O.P.(KAT)No.242 of 2015, which stands reiterated in the other original petition also. According to the learned Standing Counsel, the petitioners have admittedly submitted their applications before 06.02.2013, which was the last date for submitting applications as per the notification issued by the PSC. The photographs that were uploaded by them on their applications, did not bear the names or the dates thereon. The corrections made by them on subsequent dates would be reflected only in applications submitted by them subsequent to the dates of the corrections effected. If the petitioners wanted the corrections effected by them to be reflected in the applications already submitted by them, they ought to have availed the opportunity that was provided by the PSC to make corrections in such applications. Though an opportunity had been provided to all candidates to make such corrections during the period from 01.04.2014 to 15.05.2014, the petitioners had not availed the said opportunity or corrected their applications. Therefore, it is

contended that, their applications had remained defective and were rejected. In view of the above situation, it is contended that, absolutely no interference with the orders of the KAT is called for.

4. Heard. It is not in dispute that, the petitioners in both these cases had submitted their applications before 06.02.2013. It is also not in dispute that, their photographs uploaded on their applications did not bear their names or the dates on which they had taken the photographs. Therefore, the applications submitted by them were defective. It is true that, the petitioners had subsequently uploaded proper photographs of theirs and corrected their particulars in the one time registration that was made by them. However, they did not incorporate the corrections made in their one time registration particulars, in the applications submitted by them. Consequently, their applications remained defective. Though the PSC had provided all candidates with an opportunity to make corrections and to upload corrected photographs during the period from 01.04.2014 to 15.05.2014, admittedly the petitioners had not availed of the said opportunity or uploaded the corrected photographs of theirs. They were under the

impression that, the corrections made by them in the particulars of their one time registration, would be reflected in their applications also. However, according to the learned Standing Counsel for the PSC, the corrections made would be reflected only in the subsequent applications submitted by them. With respect to the applications submitted before the corrections were made, in the absence of incorporation of the corrections into the said applications, they would remain defective and would be rejected. We do not find any infirmity in the procedure that was followed by the PSC as reflected from the averments in the counter affidavit filed. The petitioners have no case that, they had incorporated the corrections made by them by uploading proper photographs on subsequent dates, into the applications already submitted by them. Therefore, according to the learned Standing Counsel, the corrections were not reflected in their application forms submitted before 06.02.2013. In view of the defects in their photographs, their applications had been rejected. It is necessary to be noticed that, the PSC processes a large number of applications and unless the changes are incorporated into the applications submitted, they cannot be

found fault with for not having taken note of the corrections allegedly made by the petitioners on subsequent dates.

For the above reasons, we do not find any grounds to entertain these original petitions or to grant any of the reliefs sought for. Accordingly, these original petitions are dismissed.

Sd/-

K. SURENDRA MOHAN, JUDGE

Sd/-

SHAJI P.CHALY, JUDGE

AV