

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN  
&  
THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH**

**TUESDAY, THE 1ST DAY OF DECEMBER 2015/10TH AGRAHAYANA, 1937**

**OP(KAT).No. 246 of 2015 (Z)**  
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**AGAINST THE ORDER/JUDGMENT IN OA 790/2015 of KERALA  
ADMINISTRATIVETRIBUNAL, THIRUVANANTHAPURAM DATED 28-05-2015**

**PETITIONER:**  
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**SARITHA K.S., AGED 36 YEARS,  
D/O SADANANDAN K.K., PALLITHARA HOUSE, CHEMMANDA  
KARALAM P.O., THRISSUR, KERALA  
PIN:680 711.**

**BY ADV. SRI.O.D.SIVADAS**

**RESPONDENTS:**  
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- 1. THE KERALA PUBLIC SERVICE COMMISSION  
REPRESENTED BY ITS SECRETARY, PATTOM  
THIRUVANANTHAPURAM-695 004.**
- 2. STATE OF KERALA  
REPRESENTED BY THE SECRETARY, P&ARD, SECRETARIAT  
THIRUVANANTHAPURAM, KERALA PIN:695 001.**

**R2 BY SR. GOVERNMENT PLEADER SRI.M.K.ABOOBACKER  
R1 BY SRI.P.C.SASIDHARAN, SC, KPSC**

**THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING COME UP FOR  
ADMISSION ON 01-12-2015 ALONG WITH OP KAT 294/2015, THE COURT ON THE  
SAME DAY DELIVERED THE FOLLOWING:**

OP(KAT).No. 246 of 2015 (Z)

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**APPENDIX**

**PETITIONER(S)' EXHIBITS**

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**EXHIBIT P1: TRUE COPY OF THE ORDER DATED 28.5.2015 IN O.A.790/2015 OF THE  
KERALA ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM.**

**EXHIBIT P2: COPY OF THE OA.790/2015 DATED 28.4.2015.**

**RESPONDENT(S)' EXHIBITS NIL**

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**/TRUE COPY/**

**P.A. TO JUDGE**

**VPV**

**P.N.RAVINDRAN & BABU MATHEW P. JOSEPH, JJ.**

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**O.P.(K.A.T.)Nos.246 & 294 of 2015**

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**Dated this the 1<sup>st</sup> day of December, 2015**

**JUDGMENT**

**P.N.Ravindran, J.**

The petitioners herein are candidates whose names were included in the ranked list published by the Kerala Public Service Commission on 31.03.2012 for appointment by direct recruitment to the category of Lower Division Clerks in various departments of the State Government. They filed O.A.No.790 of 2015 before the Kerala Administrative Tribunal (hereinafter referred to as "the Tribunal" for short) towards the end of April 2015, praying for an order directing the respondents therein namely the Kerala Public Service Commission represented by its Secretary and the State of Kerala represented by the Secretary, P & ARD Department, Secretariat, Thiruvananthapuram, to make appointments to the post of Lower Division Clerks in all departments of the State Government against vacancies that will arise till 30.6.2015 from the ranked list published on 31.3.2012 so as to give effect to the directions issued by the Government in G.O.(Rt)No. 13/2015/P&ARD dated 21.03.2015 and the Government letter dated 26.3.2015 which were produced and marked as Annexures A17 and A18 respectively before the Tribunal. The petitioners contended that

notwithstanding the directions issued by the Government, vacancies were not reported for the reason that there was no sufficient time to report the vacancies before the expiry of the ranked list consequent on a new ranked list being published and brought into force with effect from 30.3.2015.

2. The Tribunal considered the contentions raised by the petitioners and dismissed O.A.No.790 of 2015 on the ground that the ranked list which was published on 31.3.2012 ceased to be in force when a new ranked list was published on 30.3.2015 and that in the light of the Full Bench decision of this court in **Vimalakumari v. State of Kerala** [1994 (2) KLT 47 (FB)] as the ranked list has expired, the Kerala Public Service Commission cannot be compelled to advise candidates whose names appear in the ranked list published on 31.3.2012 after its expiry. O.A.No.790 of 2015 was accordingly dismissed. The Tribunal also took note of the fact that O.A.No.860 of 2015 claiming identical relief has already been dismissed.

3. It is not in dispute that the ranked list in which the names of the petitioners were included ceased to be in force on 30.3.2015 when a new ranked list came into force. In view of the binding decision of the Full Bench of this court in **Vimalakumari v. State of Kerala** [supra] the relief prayed for by the petitioners cannot be granted. The Full Bench of this court has in the aforesaid decision held that if no

request is made by the State to the Kerala Public Service Commission for advising candidates during the currency of the list, the court cannot compel the Kerala Public Service Commission to advise candidates after the expiry of that list.

4. Though the learned counsel appearing for the petitioner submitted that pursuant to Annexure A17 Government order and Annexure A18 letter, vacancies had in fact been reported by some heads of departments/heads of offices to the Kerala Public Service Commission in time, merely for the reason that vacancies were described as anticipated vacancies in terms of Annexure A17 Government order, the Commission did not advise candidates included in the ranked list against those vacancies and therefore, the Tribunal erred in dismissing O.A.No.790 of 2015. A reading of the impugned judgment as also the averments in O.A.No.790 of 2015 discloses that such a case was not pleaded before the Tribunal. The case pleaded before the Tribunal is that notwithstanding Annexure A17 Government order and Annexure A18 letter, vacancies have not been reported to the Commission. One of the grounds raised is that the interval of time is too short to report the vacancies. If vacancies had in fact been reported during the currency of the ranked list which expired on 30.3.2015 but candidates included in that ranked list were not advised, it is a matter which will have to be gone into in other appropriate

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proceedings and not in these original petitions.

We therefore find no good grounds to entertain the challenge to the impugned order passed by the Tribunal. The original petitions fail and are accordingly dismissed.

Sd/-

**P.N.RAVINDRAN  
JUDGE**

Sd/-

**BABU MATHEW P. JOSEPH  
JUDGE**

/true copy/

P.A. To Judge

**vpv**