

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

&

THE HONOURABLE SMT. JUSTICE P.V.ASHA

FRIDAY, THE 24TH DAY OF JULY 2015/2ND SRAVANA, 1937

OP(KAT).No. 250 of 2015 (Z)

AGAINST THE ORDER DATED 16.6.2015 IN OA(EKM) NO.466/2015 of KERALA
ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM

PETITIONER:

ABULAISE K.A,
KUZHILKANDATHIL(H) ,
PERUMBALLOOR.P.O,
MUVATTUPUZHA, ERNAKULAM.

BY ADVS.SRI.K.R.AVINASH (KUNNATH)
SRI.ABDUL RAOOF PALLIPATH
SRI.C.H.ABDUL RASAC

RESPONDENT(S) :RESPONDENTS

1. THE DISTRICT OFFICER,
KERALA PUBLIC SERVICE COMMISSION,
DISTRICT OFFICE,
NEAR SOUTH RAILWAY STATION (EAST GATE) ,
THIRD FLOOR, GCDA BUILDING,
ERNAKULAM - 682 016.
2. THE KERALA PUBLIC SERVICE COMMISSION,
PATTOM, TRIVANDRUM
REPRESENTED BY THE SECRETARY,
PIN - 695 004.
3. THE STATE OF KERALA,
DEPARTMENT OF HOME,
REPRESENTED BY ITS SECRETARY, GOVT.SECRETARIAT,
TRIVANDRUM - 695 001.

R BY SENIOR GOVERNMENT PLEADER SRI JOSEPH GEORGE
R BY SRI.P.C.SASIDHARAN, SC, KPSC

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING COME UP
FOR ADMISSION ON 24-07-2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

OP(KAT).No. 250 of 2015 (Z)

APPENDIX

PETITIONER(S) ' EXHIBITS

P1:-TRUE COPY OF THE MEMORANDUM OF OA (EKM) NO 466/2015.

P2:-TRUE COPY OF THE ORDER DTD 16/6/2015 OF THE KERALA ADMINISTRATIVE
TRIBUNAL, ERNAKULAM BENCH IN OA (EKM) 466/2015

RESPONDENT(S) ' EXHIBITS

NIL.

/TRUE COPY/

P.S TO JUDGE

P.R.RAMACHANDRA MENON & P.V ASHA, JJ.

O.P(KAT) No.250 of 2015-Z

Dated this the 24th day of July, 2015

JUDGMENT

Asha, J.

Aggrieved by the order passed by the Kerala Administrative Tribunal in O.A(EKM) No.466 of 2015, the petitioner has filed this Original Petition. The Original Application was filed praying for a direction to the Public Service Commission to include him in the rank list for appointment to the post of Police Constable Driver (Armed Police Battalion KAP 2). By Annexure-A1, the petitioner submitted his application for selection and appointment to that post, on 09.08.2011 based on notification issued by the Public Service Commission. The main qualification prescribed for appointment to the post is heavy vehicle driving license with badge. The petitioner was included in the short list Annexure-A3, after being successful in the OMR test. By Annexure-A4 call letter, he was invited for verification of certificates. In the said letter, it was directed that the

candidates should have heavy vehicle driving license and driver badge and the same should be current at the time of submitting application, OMR test as well as practical test and interview. The petitioner was not included in the final rank list and he approached the Tribunal aggrieved by non inclusion of his name.

2. The Tribunal found that at the time of application, ie. as on 09.08.2011, the petitioner did not have a valid driving licence. The validity of his licence to drive transport vehicles expired on 1.8.2011 and it was renewed only on 06.12.2011. This is evident from Annexure-A5 produced by the applicant along with the Original Application. Accordingly, seeing that the applicant was not qualified as on the date of application as well as on the last date fixed for receipt of application, the Tribunal dismissed the Original Application.

3. We heard the learned counsel appearing for the appellant as well as the learned counsel appearing for the Public Service Commission.

4. It is settled law (see - [**Rekha Chaturvedi v. University of Rajasthan** [1993 Supp(3) SCC 168]) that a candidate appearing for selection for appointment to a post

should have the prescribed qualification as on the date of application or at least as on the last date fixed for receipt of the application. Admittedly the petitioner did not have the prescribed qualification on any of these dates. Therefore we do not find any infirmity in the order passed by the Tribunal.

Accordingly, the O.P fails and is dismissed.

Sd/-

P.R.RAMACHANDRA MENON
Judge

Sd/-

P.VASHA
Judge

rtr/

**T.R.RAMACHANDRAN NAIR &
P.V.ASHA, JJ.**

A.S. No.1041 of 1998 -G

JUDGMENT

Dated 22nd May, 2015.