

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 30TH DAY OF NOVEMBER 2015/9TH AGRAHAYANA, 1937

OP(KAT).No. 270 of 2015 (Z)

AGAINST THE ORDER IN OA 1708/2014 of KERALA ADMINISTRATIVE TRIBUNAL,
THIRUVANANTHAPURAM DATED 04-09-2014

PETITIONER/APPLICANT::

E.K. PADMAJA,
W/O.KUNHIKRISHNAN NAMBIAR, AGED 45 YEARS
HARI SANGHI HOUSE, THONDANOOR, P.O.PARIYARAM
KANNUR, KERALA, PIN - 670 502.

BY ADV. SRI.V.N.RAMESAN NAMBISAN

RESPONDENTS/RESPONDENTS::

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1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY
DEPARTMENT OF GENERAL EDUCATION, SECRETARIAT
THIRUVANANTHAPURAM, KERALA, PIN - 695 001.
 2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
JAGATHY, THIRUVANANTHAPURAM, KERALA
PIN - 695 014.
 3. THE DEPUTY DIRECTOR OF EDUCATION,
KALPETTA, CIVIL STATION, WAYANAD
KERALA, PIN - 673 121.
 4. KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY ITS SECRETARY, PATTOM
THIRUVANANTHAPURAM, KERALA, PIN - 695 004.
 5. DISTRICT OFFICER,
KERALA PUBLIC SERVICE COMMISSION, KALPETTA, WAYANAD
KERALA, PIN - 673 121.
 6. KERALA ADMINISTRATIVE TRIBUNAL,
THIRUVANANTHAPURAM, PIN - 695 001.

R4 & R5 BY ADV. SRI.P.C.SASIDHARAN, SC, KPSC
R1 -R3 BY ADV. GOVERNMENT PLEADER SRI.JOSEPH GEORGE

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING COME UP FOR ADMISSION
ON 30-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP(KAT).No. 270 of 2015 (Z)

APPENDIX

PETITIONERS' EXHIBITS

EXT.P1: TRUE COPY OF O.A.1708/2014 ON THE FILE OF THE COURT OF KERALA ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM BENCH) FILED BY THE PETITIONER.

EXT.P2: TRUE COPY OF ORDER DATED 04-09-2014 IN OA 1708 OF 2014 OF THE HON'BLE TRIBUNAL.

RESPONDENTS' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

smv

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

O.P.(KAT) No.270 of 2015

Dated this the 30th day of November, 2015

JUDGMENT

Surendra Mohan,J.

Petitioner, the applicant in O.A. No.1708 of 2014 on the file of the Kerala Administrative Tribunal, Thiruvananthapuram Bench ("KAT" for short) has filed this Writ Petition challenging Ext.P2 order by which the Original Application has been dismissed. The petitioner was a candidate included in Annexure A1 rank list. She had applied for selection and appointment to the post of High School Assistant (Hindi) in the Education Department in Waynad District. The rank list was published on 05.03.2010. The rank list was in force for its full period of 4 ½ years. The list expired on 04.09.2014. The KAT dismissed the Original Application for the reason that, petitioner had filed the same only on the date of expiry of the rank list.

2. According to Adv. Sri.Ramesan Nambisan who appears for the petitioner, irrespective of the fact that the petitioner had not invoked the jurisdiction of the KAT on an earlier date, it is

evident that the authorities were not prompt in reporting all available vacancies to the Public Service Commission.

3. For the above reason, according to the learned counsel, it is only appropriate that they are taken to task for their inaction. Otherwise, according to the learned counsel, the present situation will recur.

4. Adv. Sri. P.C. Sasidharan appears for the Public Service Commission and the State is represented by the Government Pleader.

5. Heard. According to the statement filed by the 3rd respondent, there were no vacancies to be reported as on 04.09.2014. In spite of the above, in compliance of the interim order of the KAT in O.A No.1661 of 2014 four vacancies of HSA (Hindi) were reported to the PSC, on condition that, advice would be made only pursuant to orders issued by the KAT. There were no other vacancies to be reported according to the learned counsel for the 3rd respondent. Absolutely no material or evidence has been placed before us to warrant a conclusion that any other vacancy was available. Therefore, we accept the submission that there were no vacancies available to be reported. The list had continued to be in force for the full period

of its validity upto 04.09.2014. Thirty three candidates were also advised from the above list. There are no grounds to interfere with the order of the KAT. Writ petition is therefore, dismissed.

Sd/-

**K. SURENDRA MOHAN
JUDGE**

Sd/-

**SHAJI P. CHALY
JUDGE**

//true copy//

P.A. To Judge

smv
01.12.2015