

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

THURSDAY, THE 10TH DAY OF SEPTEMBER 2015/19TH BHADRA, 1937

O.P.(KAT).No. 297 of 2015 (Z)

AGAINST THE ORDER IN O.A. NO.2609/2013 of KERALA ADMINISTRATIVE TRIBUNAL,
THIRUVANANTHAPURAM DATED 18.11.2013.

PETITIONER/PETITIONER IN O.A.:

NITHA NARAYAN, AGED 33 YEARS,
W/O. T. SUNIL, SUJA BHAVAN, KARIMANAL P.O.,
KULATHUR, THIRUVANANTHAPURAM.

BY ADV. SRI.M.R.SASITH

RESPONDENT(S)/RESPONDENTS IN O.A.:

1. KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY THE SECRETARY,
KERALA PUBLIC SERVICE COMMISSION, PATTOM,
THIRUVANANTHAPURAM - 695 004.
2. STATE OF KERALA,
REPRESENTED BY PRINCIPAL SECRETARY TO GOVERNMENT,
HOME DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.

R1 BY SRI.P.C.SASIDHARAN, SC, KPSC
R2 BY GOVERNMENT PLEADER, SRI. RINNY STEPHEN CHAMAPARAMBIL

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING COME UP FOR
ADMISSION ON 10-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

P.T.O.

OP(KAT).No. 297 of 2015 (Z)

APPENDIX

PETITIONER(S)' EXHIBITS:

EXHIBIT-P1- TRUE COPY OF MEMORANDUM OF O.A.NO.2609/2013 FILED BY THE
PETITIONER.

EXHIBIT-P2- TRUE COPY OF THE ORDER DATED 18/11/2013 IN O.A .NO.2609/2013.

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

P.S. TO JUDGE

St/-

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

O.P.(KAT) No.297 of 2015

Dated this the 10th day of September, 2015

JUDGMENT

Surendra Mohan, J.

The petitioner has filed this Original Petition seeking the following reliefs:

"i) To set aside Ext.P2 order of the Kerala Administrative Tribunal and to allow O.A.No.2609/2013 as prayed for;

ii) Such other order or direction as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

2. The petitioner was an applicant for selection and appointment to the post of Assistant Public Prosecutor Grade-II. The petitioner had submitted an application pursuant to a notification issued by the Kerala Public Service Commission ("P.S.C." for short) on 29.07.2011. She was called for a written test, and according to her, though she had come out successful, her application was rejected for the reason that, the photograph uploaded by her was not one taken within the stipulated time limit. It is contended that the rejection of her application is wrong for the reason that, there was no

uncertainty with respect to the identity of the applicant. Raising the above contentions, the petitioner had filed O.A.No.2609 of 2013 before the Kerala Administrative Tribunal. The Tribunal, by Ext.P2 order, dismissed her application. The petitioner has filed this Original Petition aggrieved by the said order.

3. We have heard the learned counsel appearing for the petitioner. According to the petitioner, the minor defect in not uploading a recent photograph of the applicant, as stipulated by the notification, should not be put forward as a ground to support the rejection of her application. She has come out successful in the written examination and therefore there is no justification in not considering her for appointment to the post that was notified.

4. Heard. As per the notification, it is not in dispute that the petitioner had to upload a photograph that was taken after 31.12.2010. However, the petitioner had uploaded an old photograph of hers. Therefore, her application has been rejected. We do not find any infirmity in the rejection of her application. We are also conscious of the fact that other similar applications would also have been rejected, and that

there would be other similar persons who have not challenged such rejection before any authority. Since it was stipulated in the notification that the photograph should be one taken after 31.12.2010, it was incumbent upon the petitioner to have complied with the said stipulation. The application submitted by her has been rejected for the reason that it was not in accordance with the stipulations contained in the notification. We also notice that pursuant to the notification, a written test was conducted in 2012 and that the selection would, in all probability, be over, considering the fact that we are in the year 2015. The impugned order of the Tribunal is dated 18.11.2013. There is no explanation for the delay in not having challenged the order earlier.

For the foregoing reasons, we find no grounds to entertain this Original Petition or to grant the reliefs sought for. The Original Petition is therefore dismissed.

Sd/-
K. SURENDRA MOHAN
JUDGE
Sd/-
SHAJI P. CHALY
JUDGE

//true copy//

St/-

P.S. to Judge