

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 23RD DAY OF SEPTEMBER 2015/1ST ASWINA, 1937

OP(KAT).No. 312 of 2015 (Z)

AGAINST THE ORDER IN O.A.(EKM) NO. 111/2014 of KERALA ADMINISTRATIVE TRIBUNAL,
THIRUVANANTHAPURAM DATED 25-05-2015.

PETITIONER/PETITIONER IN O.A.:

BINDU P., AGED 43 YEARS,
RESIDING AT ANUSREE, POYIL HOUSE,
NUT STREET, VADAKARA,
KOZHIKODE-673 101.

BY ADV. SRI.P.NANDAKUMAR

RESPONDENTS/RESPONDENTS IN O.A.:

1. THE KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY SECRETARY, KERALA PUBLIC SERVICE COMMISSION,
THIRUVANANTHAPURAM-695 004.
2. THE DISTRICT OFFICER,
KERALA PUBLIC SERVICE COMMISSION, KOZHIKODE-673 102.

BY SRI.P.C.SASIDHARAN, SC, KPSC

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING COME UP FOR ADMISSION
ON 23-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.T.O.

OP(KAT).No. 312 of 2015 (Z)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF ORDER DATED 25.5.2015 IN O.A.(EKM)NO.111/2014.

EXHIBIT P2: TRUE COPY OF O.A.(EKM) NO.111/2014.

EXHIBIT P3: TRUE COPY OF REPLY STATEMENT FILED BY THE RESPONDENTS.

EXHIBIT P4: TRUE COPY OF REJOINDER SUBMITTED BY THE APPLICANT.

EXHIBIT P5: TRUE COPY OF JUDGMENT IN W.P.(C) NO.2298 OF 2008 DATED 14.2.2008.

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

P.S. TO JUDGE

St/-

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

O.P.(KAT) No.312 of 2015

Dated this the 23rd day of September, 2015

JUDGMENT

Surendra Mohan, J.

The petitioner has filed this Original Petition challenging the order dated 25.05.2015 of the Kerala Administrative Tribunal in O.A.(EKM)-111 of 2014.

2. The petitioner was a candidate who had applied for selection and appointment to the post of Lower Division Typist in various Departments in Kozhikode District, pursuant to a notification issued by the 1st Respondent on 29.05.2009. The qualifications prescribed, *inter alia*, required possession of a Lower Grade Certificate in K.G.T.E English Typewriting and Computer Word Processing or its equivalent. Note (1) to the qualifications prescribed provided that, candidates who possessed certificates in Computer Word Processing issued by the Central, State Government Departments/Agencies/Societies, Universities, and who had completed a course of study of not less than three months duration were considered as equivalent, provided they had

passed K.G.T.E Typewriting before January, 2002.

3. The petitioner had cleared the K.G.T.E (English) (Lower) before 2002. She is also the holder of certificate in Computer Word Processing issued by the Institute of Human Resources Development for Electronics, a copy of which was produced as Annexure-A2. Later, the said institute issued another certificate dated 29.09.2012 (Annexure-A3), certifying that the duration of the course was 75 hours (3 months). In spite of the above, the petitioner was not treated as a person holding an equivalent qualification to the one prescribed. Therefore, her application was rejected. The petitioner had approached the Kerala Administrative Tribunal seeking the issue of appropriate directions for considering her application treating her as qualified.

4. The Tribunal found that the qualification possessed by the petitioner was obtained after undergoing a study of only two months and five days. Since the stipulations contained in Note (1) were not under challenge, the Tribunal held that the petitioner was not entitled to succeed. It has also been found in Ext.P1 order of the Tribunal that, the 1st Respondent had published the list of eligible candidates, as far back as on

18.04.2012. The petitioner had filed the O.A. only on 10.03.2014. Therefore, the reliefs were barred by limitation.

5. We have heard Advocate Sri. P.Nandakumar, who appears for the petitioner as well as the learned Standing Counsel for the Public Service Commission, Sri. P.C.Sasidharan.

6. We find that, the rank list was published on 18.04.2012. Therefore, the petitioner knew on the said date that, she had not been included in the list of eligible candidates and the cause of action to file the O.A. arose on the said date. In view of the above, the finding of the Tribunal that the O.A. was barred by limitation is fully justified. Added to the above, it is a fact that, in the absence of any challenge to Note (1) of the notification, the petitioner cannot be heard to contend that her qualification in Computer Word Processing spanning only a period of two months and five days should be treated as equivalent to the prescribed qualification.

7. For the above reasons, we find no grounds to admit this Original Petition or to grant any of the reliefs sought for.

This Original Petition is therefore dismissed.

Sd/-

**K. SURENDRA MOHAN
JUDGE**

Sd/-

**SHAJI P. CHALY
JUDGE**

//true copy//

P.S. to Judge

St/-
23.09.2015