

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 16TH DAY OF NOVEMBER 2015/25TH KARTHIKA, 1937

OP(KAT).No. 344 of 2015 (Z)

AGAINST THE ORDER IN OA 1516/2015 of KERALA ADMINISTRATIVE TRIBUNAL,
THIRUVANANTHAPURAM DATED 19-08-2015

PETITIONER:

1. ASHALATHA K. AGED 36 YEARS
D/O.K.K. KUMARAN, VELAYUDHA BHAVAN, MATHOOR
PATHANAMTHITTA - 689 647.
2. BUSHARA T.S.,
W/O. SHEFEEQ S., KURUVIKKATTIL (H), CHITTOOR WARD
PATHANAMTHITTA P.O., PATHANAMTHITTA DISTRICT- 689 647.
3. MINIMOL B., AGED 30 YEARS,
D/O. BABU, MALAICKAL HOUSE, MANTHANAM P.O.
MALLAPPALLY, PATHANAMTHITTA DISTRICT - 689 581.

BY ADVS.SRI.K.S.HARIHARAPUTHRAN
SRI.M.D.SASIKUMARAN
SRI.GEORGE MATHEW
SRI.SUNIL KUMAR A.G
SRI.DIPU JAMES

RESPONDENTS:

1. KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY ITS SECRETARY, THULASI HILLS
PATTOM PALACE P.O., THIRUVANANTHAPURAM - 695 004.
2. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM -695 001.

R1 BY SRI.P.C.SASIDHARAN, SC, KPSC
R2 BY GOVERNMENT PLEADER SMT.REKHA VASUDEVAN

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING COME UP FOR
ADMISSION ON 16-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

OP(KAT).No. 344 of 2015 (Z)

APPENDIX

PETITIONERS' EXHIBITS :

P1-TRUE COPY OF THE O.A 1516/2015 DATED 19/08/2015 WITH ANNEXURE.

P2-TRUE COPY OF THE ORDER DATED 19/08/2015 IN O.A 1516/2015.

RESPONDENTS' EXHIBITS : NIL

//TRUE COPY//

P.A TO JUDGE

smv

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

O.P.(KAT) No.344 of 2015

Dated this the 16th day of November, 2015

JUDGMENT

Surendra Mohan,J.

The petitioners are before us challenging the order dated 19.8.2015 of the Kerala Administrative Tribunal (“the KAT” for short) in O.A. No.1516 of 2015. The petitioners are candidates who had applied for advice and appointment to the post of Last Grade Servants in various departments in Pathanamthitta District. The applications were submitted pursuant to a notification issued by the 1st respondent inviting such applications. As part of the selection process, an OMR test was conducted on 25.10.2014. After considering the objections and also the views of the experts, PSC published Annexure A5 final answer key and deleted some of the questions. The applicants challenged the final answer key. According to them, the PSC seriously erred in deleting the questions. Actually those questions were not vague. The petitioners had answered them correctly and by deleting the said questions, it was contended that they were seriously affected.

2. The KAT found that the petitioners had no explanation for the delay in approaching the said Forum. The final answer key was published in May, 2015. Thereafter, the valuation was completed and a rank list has also been published. The Tribunal has found that the petitioners were guilty of delay and laches in approaching the Tribunal. It was also found that, similar Original Applications in which identical contentions were raised had already been dismissed.

Heard. Since the final rank list has already been published after completing the valuation on the basis of the answer key that was published, we do not find any grounds to interfere with the order of the Kerala Administrative Tribunal, declining jurisdiction to the petitioners. The petitioners ought to have to be more vigilant and ought to have moved the Tribunal within a reasonable time.

For the foregoing reasons, this Original Petition is dismissed.

Sd/-
K. SURENDRA MOHAN
JUDGE

Sd/-
SHAJI P. CHALY
JUDGE

//true copy//

P.A. To Judge

smv
16.11.2015