

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MR.JUSTICE K.HARILAL

THURSDAY, THE 5TH DAY OF FEBRUARY 2015/16TH MAGHA, 1936

OP(KAT).No. 156 of 2014 (Z)

AGAINST THE ORDER/JUDGMENT IN OA 2235/2013 of KERALA
ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM DATED 27-01-2014

PETITIONER(S)/APPLICANTS:

1. T.SELVAM, AGED 47 YEARS,
W/O SENTHIL KUMAR, RESIDING AT PADMAPURAM
LAWDRUM ESTAE, LEKSHMIKOVIL P.O., PEERMADE
IDUKKI DISTRICT-685531.
2. M.MUNIANDY, AGED 33 YEARS,
S/O MARIAPPAN, RESIDING AT VALUAVARI ESTATE
LOWER DIVISION, THALAYAR POST, MUNNAR
IDUKKI DISTRICT, PIN:685 614.
3. P.AMJITH KUMAR, AGED 29 YEARS,
S/O POOMARI, EAST DIVISION, NALLATHANNI ESTATE
MUNNAR, IDUKKI DISTRICT, PIN:685 612.
4. P.REKHA, AGED 28 YEARS,
D/O PONRAJ, RESIDING AT CHOKKANADU ESTATE,
EAST DN.
MUNNAR, IDUKKI DISTRICT, PIN:685 612.
5. P.PRAVEENA, AGED 26 YEARS,
D/O PITCHAYYA, RESIDING AT NALLATHANNI ESTATE,
NADAYAR NORTH DN., MUNNAR P.O.,
IDUKKI-685 612.
6. P.GANESAN AGED 35 YEARS
S/O SANKALIMADATHU,
RESIDING AT NALLATHANNI ESTATE
NADAYAR NORTH DN., MUNNAR P.O.,
IDUKKI-685 612.
7. R.RAJAN AGED 28 YEARS
S/O RAJ, SHANTHIHILAY, SURIANELLI TOWN
SURANELLI P.O., MUNNAR, IDUKKI-685 618.

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8. S.JAGATHEESHKUMAR, AGED 37 YEARS,
S/O. SOPUNDARAJAN,
RESIDING AT SEVEN MALA ESTATE
OLD MUNNAR DN., IDUKKI-685 612.
9. P.SANTHIYA AGED 27 YEARS
S/O PONRAJ, CHOCHANADU ESTATE, EAST DN.
MUNNAR P.O., IDUKKI-685 612.
10. K.SATHEESH KUMAR, AGED 31 YEARS,
S/O. KARUPPIAH, RESIDING AT TOP DIVISION
KUNDUMALA ESTATE, MUNNAR,
IDUKKI-685 612.

BY ADVS.SRI.M.RAMASWAMY PILLAI
SMT.PREETHY R. NAIR

RESPONDENT (S) /RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT
SECRETARY TO GOVERNMENT, EDUCATION DEPARTMENT
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.
2. KERALA PUBLIC SERVICE COMMISSION
REPRESENTED BY ITS SECRETARY, PATTOM
TRIVANDRUM-695 001.
3. DIRECTOR OF PUBLIC INSTRUCTIONS
TRIVANDRUM-695 001.
4. DEPUTY DIRECTOR OF EDUCATION
DEPARTMENT OF EDUCATION, IDUKKI,
THODUPUZHA-685 614.
5. KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY ITS THE DISTRICT OFFICER
IDUKKI DISTRICT-685 614.

R2 & R5 BY SRI. P.C. SASIDHARAN ,SC, PSC
R1, R3 & R4 BY SRI.VIJU THOMAS, SR. GOVERNMENT PLEADER

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING BEEN
FINALLY HEARD ON 05-02-2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

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APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1: COPY OF THE O.A.NO.2235 OF 2013 ON 26.9.2013 WITH ANNEXURES.

EXHIBIT P2: COPY OF REPLY STATEMENT FILED BY THE 4TH RESPONDENT IN O.A.NO.2235 OF 2013.

EXHIBIT P3: COPY OF REPLY STATEMENT DATED 30.12.2013 FILED BY RESPONDENTS 2 AND 5 IN O.A.2235 OF 2013.

EXHIBIT P4: COPY OF REJOINDER WITH THE DOCUMENT FILED BY THE APPLICANTS.

EXHIBIT P5: COPY OF ORDER DATED 27.1.2014 IN O.A.2235/2013 OF THE KERALA ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM.

EXHIBIT P6: COPY OF THE LETTER NO.A2/14432/2013 DATED 21.2.2014.

EXHIBIT P6(a): COPY OF CIRCULAR NO.B(1)13964/2014/D.P.I.

RESPONDENT(S) ' EXHIBITS

NIL

//TRUE COPY//

PA TO JUDGE.

THOTTATHIL B.RADHAKRISHNAN &
K.HARILAL, JJ.

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OP(KAT) No.156 of 2014
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Dated this the 5th day of February, 2015.

J U D G M E N T

Thottathil B.Radhakrishnan, J.

Heard the learned counsel for the petitioners, the learned Legal Retainer for the Public Service Commission and the learned Government Pleader.

The petitioners are included in Annexure-A1 ranked list for appointment to the post of LPSA (Tamil) in Idukki District. All of them belong to Scheduled Caste community. They raised different allegations. The first was that due share to the Scheduled Caste community is not being given applying the rule of reservation. The Kerala Administrative Tribunal noted that the said plea was not correct. The next grievance was that all the existing vacancies have not been reported. Therefore, the Tribunal directed the applicants to file representation before the Deputy Director and required the Deputy Director to ascertain the vacancy position and to report the available vacancies. It is submitted that the representation was so

made, however that, the Deputy Director has taken the stand that reporting cannot be done in view of certain interdictions imposed by the Government. We are clear in our mind that the said issue cannot be now agitated in this original petition, which is one filed under Article 227 of the Constitution of India. We, therefore, leave any remedy available to the petitioners in that regard open to be agitated before appropriate Court or Tribunal, as the case may be. The learned Tribunal rightly found that the applicants are not entitled to make the specious claim that the term of the ranked list should be extended. In this view of the matter, we do not find any ground to interfere with the impugned order of the Tribunal except to clarify that if any relief in terms of the Tribunal's decision has not come home to the petitioners, it will be open to them to seek appropriate relief from competent jurisdiction. Subject to that, this original petition is dismissed.

(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

(K.HARILAL, JUDGE)