

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE ANTONY DOMINIC
&
THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN**

MONDAY, THE 9TH DAY OF FEBRUARY 2015/20TH MAGHA, 1936

RP.No. 10 of 2015 () IN OP(KAT).117/2014

**AGAINST THE ORDER/JUDGMENT IN OP(KAT) 117/2014 of HIGH COURT OF KERALA
DATED 03-12-2014**

REVIEW PETITIONER/PETITIONER:

**BEENA R. AGED 37 YEARS
W/O.ASHOKAN PILLAI, RESIDING AT KUDAJADRI VADAKODE
THOZHUKKAL, NEYYATTINKARA P.O
THIRUVANANTHAPURAM KERALA PIN 695 121**

**BY ADVS.SRI.V.SETHUNATH
SRI.V.R.MANORANJAN (MUVATTUPUZHA)**

RESPONDENT/RESPONDENTS:

- 1. THE KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY ITS SECRETARY, PATTOM
THIRUVANANTHAPURAM PIN 695 004**
- 2. IDUKKI DISTRICT OFFICER
THE KERALA PUBLIC SERVICE COMMISSION,
DISTRICT OFFICE, IDUKKI PIN 685 508**
- 3. STATE OF KERALA
REPRESENTED BY THE CHIEF SECRETARY
THIRUVANANTHAPURAM PIN 695 001**

**R3 BY SR GOVERNMENT PLEADER SRI.K.K.SAIDALAVI
R1 & R2 BY SRI.P.C.SASIDHARAN, SC, KPSC**

**THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 09-02-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

ANTONY DOMINIC & ANIL K.NARENDRAN, JJ.

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in

OP(KAT) No.117 of 2014

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Dated this the 9th day of February, 2015

O R D E R

Antony Dominic, J.

Petitioner in OP(KAT) No.117/14, which original petition was dismissed by this Court by judgment dated 3/12/14, is before us seeking review of the said judgment. In the judgment, we have upheld the stand of the PSC that in the absence of the petitioner having produced a separate certificate in Computer Word Processing or its equivalent, she was ineligible to the post of LD Typist notified by the PSC by Annexure A1 notification.

2. Two contentions are raised before us. The first contention is that the petitioner had secured National Trade Certificate in 1996. According to her, in Annexure A1 notification, PSC *inter alia* prescribed that those who have passed KGTE Typewriting before January, 2002 should produce separate certificate in Computer Word Processing or its equivalent. It is contended that since the notification was published only on 29/5/2009 and when that notification required the candidates to produce separate certificate

in Computer Word Processing or its equivalent, the candidates who had other qualifications specified could only obtain certificates thereafter and produce it. It is stated that, if so, the petitioner, who had obtained certificate in 2011, should have been treated as a candidate eligible to be considered in terms of Annexure A1 notification. In our view, this argument cannot be accepted. It is true that the notification *inter alia* provided that those who passed KGTE Typewriting before January, 2002 should produce separate certificate in Computer Word Processing or its equivalent. This, therefore, means that candidates who applied in response to the notification should have had that certificate at least as on 1/7/2009, the last date specified in Annexure A1 notification for submitting application. Admittedly, the petitioner acquired such certificate only in 2011. If so, she was not a candidate satisfying the eligibility prescribed in Annexure A1.

3. Secondly, referring to Ext.P5 in the OP, counsel for the petitioner contended that candidates possessing VHSE Office

Secretaryship, which is allegedly equivalent to the petitioner's qualification, were advised for appointment. It is stated that such candidates did not possess the additional certificate prescribed in Annexure A1 notification. According to the petitioner, if that be so, petitioner also should have been treated as a candidate eligible for the post. This very contention has been dealt with and negated by this Court in para 8 of the judgment. There, we have taken the view that even if this argument of the counsel is accepted, that at best would mean that certain ineligible candidates were also advised. That does not mean that this Court can direct that such illegality should be perpetuated nor can in the absence of such alleged ineligible candidates before this Court, can this Court interfere with the appointment of such candidates. We, therefore, cannot take cognizance of this contention raised by the learned counsel and grant any relief on that basis.

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4. We are not satisfied that any ground has been made out for review of the judgment.

Review petition is dismissed.

Sd/-
ANTONY DOMINIC
JUDGE

Sd/-
ANIL K.NARENDRAN
JUDGE

Rp

//True Copy//

PA to Judge