

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN  
&  
THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

MONDAY, THE 17TH DAY OF AUGUST 2015/26TH SRAVANA, 1937

RP.No. 865 of 2014 IN WA.1752/2007  
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AGAINST THE JUDGMENT IN WA 1752/2007 DATED 25-09-2008

REVIEW PETITIONERS/APPELLANTS/PETITIONERS:  
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1. DR. C. ABDULGHAFOOR  
BAITHANNOOR HOUSE, PALAZHI, G.A.COLLEGE P.O.  
KOZHIKKODE-673014.
2. DR.N.P.BEENA  
W/O.K.R.THAMBI, KIZHAKKEDATH HOUSE, PACHALAM  
COCHIN-682012.

BY ADV. DR.GEORGE ABRAHAM

RESPONDENTS/RESPONDENTS/RESPONDENTS:  
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1. KERALA STATE PUBLIC SERVICE COMMISSION  
REPRESENTED BY ITS SECRETARY, PATTOM, TRIVANDRUM.
2. THE SECRETARY  
KERALA PUBLIC SERVICE COMMISSION, PATTOM, TRIVANDRUM.
3. THE DIRECTOR OF HOMOEOPATHY  
HOMOEOPATHY DEPARTMENT, TRIVANDRUM.

BY SENIOR GOVERNMENT PLEADER SRI.R.PADMARAJ  
BY SRI.P.C.SASIDHARAN, SC, KPSC

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 17-08-2015,  
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**P.N.RAVINDRAN &  
ANU SIVARAMAN, JJ.**

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**R.P. No.865 of 2014 in W.A.No.1752 of 2007**

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Dated this the 17<sup>th</sup> day of August 2015

**ORDER**

**P.N.Ravindran, J.**

The prayer in this review petition is to review and recall the judgment delivered by a Division Bench of this court on 25.9.2008 in Writ Appeal No.1752 of 2007. By the said judgment, the Division Bench affirmed the judgment delivered by the learned single Judge on 03.07.2007 dismissing W.P.(C).No.17345 of 2007, a writ petition filed by the petitioners herein, wherein they prayed for a writ of mandamus commanding the Kerala Public Service Commission to issue advise memos to them and a writ of mandamus commanding the respondents to appoint them as Medical Officers (Homeopathy). The said relief was sought on the basis of Ext.P1 ranked list which came into force on 15.3.2004.

2. The averments in the writ petition disclose that petitioners herein were included in the supplementary ranked lists. The first petitioner was Sl.No.6 in the supplementary ranked list of candidates belonging to the muslim community, the second petitioner was rank No.1 in the supplementary ranked list of candidates belonging to the

Dheevara community and the third petitioner was included as rank No.1 in the supplementary ranked list of candidates belonging to the category Other Christians. The main list of Ext.P1 ranked list ceased to be in force on 25.07.2006, when the last among the candidates in the main list was advised for appointment. Thereafter, candidates included in the supplementary lists cannot be advised in view of the binding decision of the Apex Court in **Nair Service Society v. District Officer, Kerala Public Service Commission** (2003(3) KLT 1126 (SC)). That apart, after Ext.P1 ranked list expired, another ranked list had come into force and that ranked list has also expired. A fresh selection process is also in progress.

In such circumstances, the petitioners cannot in our opinion seek or be granted the relief prayed for in this writ petition. The review petition fails and is accordingly dismissed. No costs.

**P.N.Ravindran, Judge**

**Anu Sivaraman, Judge**

sj