

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 14TH DAY OF JANUARY 2015/24TH POUSHA, 1936

WA.No. 1386 of 2010 ()

**AGAINST THE ORDER/JUDGMENT IN WP(C) 22462/2010 of HIGH COURT OF KERALA
DATED 19-07-2010**

APPELLANT(S)/PETITIONER IN WPC:

**JYOTHY LAKSHMI T., AGED 30 YEARS,
D/O. K.VIJAYAN PILLAI, KADAKATH KIZHAKKETHIL,
KUDASSANAD P.O., PANDALAM, ALAPPUZHA DISTRICT.**

BY ADV. SRI.PAULSON THOMAS

RESPONDENT(S)/RESPONDENTS IN WPC:

- 1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY, GENERAL EDUCATION DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.**
- 2. KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY ITS SECRETARY, OFFICE OF THE
PUBLIC SERVICE COMMISSION, PATTOM, THIRUVANANTHAPURAM.**

**R1 BY SRI.SANEER P.M, GOVERNMENT PLEADER
R2 BY SRI.P.C.SASIDHARAN,SC,KPSC**

**THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 14-01-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

DG

**THOTTATHIL B.RADHAKRISHNAN &
K.HARILAL, JJ.**

W.A.No.1386 of 2010

Dated this the 14th day of January, 2015

J U D G M E N T

Thottathil B.Radhakrishnan, J.

1.The writ petitioner is the appellant. She applied for being appointed as a Higher Secondary Teacher in Computer Science. Applications were invited by the Public Service Commission by issuing Exhibit P9 notification, which was in conformity with the Special Rules for the department concerned. M.Sc in Information Science and Management is not one among the qualifications included in the Special Rules. Obviously, therefore, PSC cannot be compelled to consider the case of the appellant with reference to Exhibit P9 notification or the statutory Special Rules, as they existed as on the date of that notification. The Government appears to have accepted the request of the appellant to include that qualification also among the qualifications prescribed for the post. The draft rules were directed to be placed by the Director of Higher Secondary Education. It is submitted that the formulation of Special Rules is yet to be done. Obviously, therefore, the appellant cannot aspire to be selected on the basis of Exhibit P9 notification. It is also stated by the learned counsel for the appellant that his client does not appear to have cleared the competitive examination

conducted by the PSC. The mere fact that an interlocutory order was passed in the writ appeal requiring the PSC, not to reject the appellant's application does not turn in her favour at final hearing.

2. The learned counsel for the appellant is justified in saying that the appellant may be eligible to be considered, if the Special Rules are amended and on the basis of such amended Special Rules. This is an event which is yet to be looked forward to, by the appellant. This judgment will not affect any such right.

3. For the aforesaid reasons, we do not find any legal infirmity or error in the decision of learned single Judge having held that the appellant could not aspire for being considered for the selection on the basis of Exhibit P9 notification.

In the result, this writ appeal is dismissed.

Sd/-
(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

Sd/-
(K.HARILAL, JUDGE)

//TRUE COPY//

P.A TO JUDGE