

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

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

WA.No. 134 of 2015 () IN WP(C).2939/2014

AGAINST THE JUDGMENT IN WP(C) 2939/2014 of HIGH COURT
OF KERALA DATED 05-06-2014

APPELLANT(S)/AGGRIEVED 3RD PARTIES:

1. SUMITH

S/O.P.MADHUSOODHANAN PILLAI, CHANKOOR HOUSE
KANNAMANGALAM NORTH VILLAZGE, CHETTIKULANGARA.PO
MAVELIKKARA TALUL, ALAPPUZHA DISTRICT, PIN-690106.

2. NIKHIL PRATHEEK.P.J, AGED 27 YEARS

S/O.JAYACHANDRAN, VADAKKE NEELIYATH HOUSE
KALPATHUR POST, MEPPAYUR(VIA), KOZHIKODE DISTRICT
PIN-673524.

3. RAHUL.V, AGED 24 YEARS

S/O.RADHAKRISHNAN, VALIYIL HOUSE, NADAVANNUR POST
KOZHIKODE DISTRICT, PIN-673614.

4. AKHIL KRISHNA.K.J, AGED 22 YEARS

S/O.JAYAKRISHNAN, CHITHRATH HOUSE,
CHEMBRASSERI POST
PANDIKKAD, MALAPPURAM DISTRICT, PIN-676521.

5. RANJITH.M.M, AGED 24 YEARS

S/O.RAJAN, MOTTEMMAL HOUSE, VILLIAPPALLY POST
VADAKARA(VIA), KOZHIKODE DISTRICT, PIN-673542.

6. KRISHNAKUMAR.R,

AYANIYARATHALAKKAL MALE, PUTHENVEEDU,
MARTHANDESWARAM
OORUTTAMBALAM.P.O, THIRUVANANTHAPURAM DISTRICT
PIN-695507.

7. AJITH BABU.B.S,

AJITH BHAVAN, PANAVALAKATHU MELE PUTHENVEEDU
NADUKKADU, NARUVAMOODU.P.O, KERALA
PIN-695528.

BY ADVS.SRI.ABRAHAM MATHEW (VETTOOR)
SRI.SIJI ANTONY
SMT.BINI ELIZABETH
SMT.M.J.SAJITHA
SRI.SRI.ANIL ABEY JOSE

RESPONDENT(S)/PETITIONERS AND RESPONDENTS IN THE WP(C):

1. DHANESH.P, AGED 24 YEARS
S/O.DIVAKARAN, PARVATHY HOUSE, THILLENKERY.P.O
KANNUR DISTRICT, PIN-670702.

2. SARUN.T,
KARUNYA, PANDALAPARAMBY, MAMBARAM.P.O
KANNUR DISTRICT, P.IN-670741.

3. PRANEESH VALAVIL,
THAKKAYIL HOUSE, TEMPLE GATE.P.O, MADAPEEDIK
THALASSERY, KANNUR, PIN-670102.

4. ANIL KUMAR.P.K,
KAIPPACHERI HOUSE, VAKKAYANGAD.P.O,
KANNUR DISTRICT
PIN-670642.

5. SOJITH.V,
POIKUTTANDAVIDA HOUSE,
PONNIAM WEST.P.O, KONDUCHIRE
THALASSERY, KANNUR DISTRICT, PIN-670641.

6. SHIBIN.N,
KUNIYIL HOUSE, PONNIAM EAST.P.O, THALASSERY
KANNUR-670641.

7. ANOOP.K,
KAYAKKEEL HOUSE, MANAKKATT, KOYYAM.P.O
KANNUR, PIN-670142.

8. ABHILASH POOVALAPPIL,
ANUSHA NIVAS, MUZHAKKUNNU.P.O, KANNUR
PIN-670763.

9. JANITH RAJ.D,
MOTTAPARAMBATH HOUSE, VENDUTTAYI, PINARAYI.P.O
KANNUR, PIN-670741.

10. NIPIN PANOLI,
KANIYAN KANDI HOUSE, KIZHAKKUMBAGAM, PINARAYI.P.O
KANNUR, PIN-670741.

11. AKHIL.K,
VAYALIL KUNIYIL HOUSE, VADAKKUMBAD.P.O, THALASSERY
KANNUR, PIN-670741.

12. MONISH.U,
MANEESHA NIVAS, KIZHAKKUMBHAGOM, PINARAYI.P.O
THALASSERY, KANNUR-670741.

13. MIDHUN.C,
SOPANAM, ERUVATTY.P.O, KADIRUR VIA
THALASSERY, KANNUR, PIN-670642.

14. RATHEESH.M.P,
S/O.M.P.KUNHIRAMAN, MOLOLATH PATINJAGE VEETIL
MAVICHERY, KUTTIYERI.P.O, THALIPARAMBA
PIN-6770141.

15. DHANESH.M,
MOLOLATH PADINHARE VEETIL, NARIKODE KOTTELA.P.O
EZHOME VIZ., KANNUR, PIN-670330.

16. STAFF SELECTION COMMISSION,
REPRESENTED BY ITS CHAIRMAN, BLOCK-12, CGO COMPLEX
LODI ROAD, NEW DELHI-110003.

17. THE REGIONAL DIRECTOR,
STAFF SELECTION COMMISSION,
KARNATAKA-KERALA REGION
1ST FLOOR, E WING, KENDRIYA SECTION
BANGALORE-560034.

18. THE DIRECTOR GENERAL,
BORDER SECURITY FORCE, BLOCK-10, CGO COMPLEX
LODHI ROAD, NEW DELHI-110 003.

19. THE DIRECTOR GENERAL,
CENTRAL RESERVE POLICE FORCE,
BLOCK NO.1, CGO COMPLEX
LODHI ROAD, NEW DELHI, PIN-110 003.

20. THE DIRECTOR GENERAL,CENTRAL INDUSTRIAL
SECURITY FORCE, BLOCK NO.13
CGO COMPLEX, LODHI ROAD, NEW DELHI
PIN-110003.

21. THE DIRECTOR GENERAL, SASHATRA SEEMA BAL,
BLOCK-12, CGO COMPLEX,
LODHI ROAD, NEW DELHI - PIN 110 003

22. DIRECTOR GENERAL,
ASSAM RIFLES, LAITUMKHARAH POST, SHILLOING
MEGHALAYA-793011.

23. THE DIRECTOR GENERAL,
INDO-TIBETAN BORDER POLICE FORCE,
BLOCK-2, CGO COMPLEX
LODHI ROAD, NEW DELHI-110003.

24. UNION OF INDIA,
REPRESENTED BY ITS SECRETARY TO GOVERNMENT
MINISTRY OF HOME AFFAIRS, CENTRAL SECRETARIAT
NORTH BLOCK, NEW DELHI-110001.

BY CGC T. SANJAY FOR R24
BY SRI.K.SIJU

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
05-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONERS' ANNEXURES

ANNEXURE A: TRUE COPY OF THE NOTIFICATION
ISSUED BY SSC DATED 15-12-2012

ANNEXURE B: TRUE COPY OF THE ADMISSION
CERTIFICATE FOR WRITTEN TEST ISSUED TO THE
4TH PETITIONER DATED 12-05-2013

ANNEXURE C: A TRUE COPY OF ADMISSION CARD
FOR MEDICAL EXAMINATION ISSUED TO THE 1ST
PETITIONER DATED 6-1-2014

ANNEXURE D: A TRUE COPY OF ADMISSION CARD
FOR MEDICAL EXAMINATION ISSUED TO THE 3RD
PETITIONER DATED 23-01-2014

ANNEXURE E: A TRUE COPY OF THE ADMISSION
CARD FOR MEDICAL EXAMINATION ISSUED TO THE
3RD PETITIONER DATED 24-01-2014

ANNEXURE F: A TRUE COPY OF ADMISSION CARD
FOR MEDICAL EXAMINATION ISSUED TO THE 5TH
PETITIONER DATED 24-01-2014

ANNEXURE G: A TRUE COPY OF THE FINAL RESULT
PUBLISHED BY SSC FOR THE YEAR 2013 DATED 30-
05-2014

ANNEXURE H: A TRUE COPY OF THE LIST OF
CANDIDATES FOR RECRUITMENT OF CONSTABLES (GD)
IN CAPFS 2012 ISSUED BY STAFF SELECTION
COMMISSION DATED 8-6-2012

ASHOK BHUSHAN , Ag. CJ,
&
A.M.SHAFFIQUE, J.

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W.A.No. 134 of 2015
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Dated this the 5th day of February, 2015

JUDGMENT

Ashok Bhushan, Ag.CJ.

This Writ Appeal has been filed against the judgment dated 5th June 2014 in W.P. (C) No. 2939 of 2014 . By the aforesaid Judgment, the learned Single Judge has allowed five Writ Petitions including Writ Petition No. 2939 of 2014 against which this Writ Appeal has been filed. Challenging the judgment dated 5th June 2014 of the learned Single Judge W.A. Nos. 1433 of 2014 and 1515/2014 were filed by the Staff Selection Commission, after obtaining leave. But appellant was not a party in the above Writ Appeals. Both the Writ Appeals were allowed on 30th June 2014 by a Division Bench of this Court

after setting aside the judgment of the learned Single Judge and dismissing the Writ Petition. Learned counsel for the appellant as well as respondents No. 16 to 24 submits that this Writ Appeal is fully covered by the said judgment and can be decided in accordance with the said judgment.

In view of the matter, we also allow this Writ Appeal following the decision reported in Staff Selection Commission, Karnataka and Others v. Biju Babu and Others – 2014 (4) KHC 953, after setting aside the judgment in W.P. (C) No. 2939/2014.

Sd/- ASHOK BHUSHAN ,
Ag. CHIEF JUSTICE

Sd/-A.M.SHAFFIQUE,
JUDGE

ani/

/truecopy/

P.S.toJudge