

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 2ND DAY OF JUNE 2015/12TH JYAISHTA, 1937

WP(C).No. 10172 of 2004 (J)

PETITIONER :

SANGEETH M.V. S/O.LATE M.K.KARUNAKARAN,
'SANGEETH', NEAR OLACHERRY KAVU, TALAP,
KANNUR -1.

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENT(S):

1. KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY SECRETARY,
KERALA PUBLIC SERVICE COMMISSION,
PATTOM, THIRUVANANTHAPURAM.
2. CHAIRMAN, KERALA PUBLIC SERVICE COMMISSION,
PATTOM, THIRUVANANTHAPURAM.
3. VIGILANCE OFFICER, KERALA PUBLIC
SERVICE COMMISSION, PATTOM, THIRUVANANTHAPURAM.
4. THE DISTRICT OFFICER, KERALA PUBLIC
SERVICE COMMISSION, KANNUR.
5. THE CENTRAL BUREAU OF INVESTIGATION,
REPRESENTED BY SUPERINTENDENT OF POLICE,
C.B.I., KOCHI.
6. THE SUPERINTENDENT OF POLICE,
KANNUR.

*SUPPLEMENTAL RESPONDENTS 7 TO 10 MPLIED

*ADDL.R7: P.V.SURESHAN,S/O.KRISHNAN NAIR,
KUNNATH KIZHAKEYIL HOUSE, NANIYOOR NAMBRAM,
KOLACHERI POST, KANNUR DISTRICT.

*ADDL.R8: P.V.RAJAN, KUNNATH KIZHAKEYIL HOUSE,
NANIYOOR NAMBRAM, KOLACHERI POST,
KANNUR DISTRICT.

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*ADDL.R9: REEJA BAI THUMBOL,W/O.RAJAN,
KIZHAKEYIL HOUSE, NANIYOOR NAMBRAM,
KOLACHERI POST, KANNUR DISTRICT.

*ADDL.R10: NAVYA KARAYIL, KARAYIL HOUSE,
KOTTALI, KANNUR DISTRICT.

*SUPPLEMENTAL RESPONDENTS 7 TO 10 ARE IMPEADED AS
REPRESENTING THE PERSONS INCLUDED IN THE RANK LIST PUBLISHED BY
KPSC FOR THE POST OF LD CLERK IN VARIOUS DEPARTMENTS IN KANNUR
DISTRICT PURSUANT TO EXT.P2 SHORT LIST AS PER ORDER DATED 16/8/04
IN IA.NO.10439/04.

R1 TO R4 BY ADV. SRI.P.C.SASIDHARAN, SC, KPSC
R5 BY P.CHANDRASEKHARA PILLAI,SC, CBI
ADV. SRI.S.SREEKUMAR, SC FOR CBI
R6 BY GOVERNMENT PLEADER SMT. CK.SHERIN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 02-06-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

sts

WP(C).NO.10172/2004

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE COMPLAINT FILED BY SRI.MUNEER & OTHERS BEFORE THE
2ND RESPONDENT DATED NIL
- P2 COPY OF THE SHORT LIST FOR THE POST OF LDC IN VARIOUS
DEPARTMENTS IN KANNUR DISTRICT DATED 6/12/2003
- P3 COPY OF THE REPORTS, WHICH APPEARED IN THE VARIOUS NEWSPAPERS
IN THE VERACULAR DATED 18/12/2003 & 19/12/2003
- P4 COPY OF THE STATEMENT FILED BY THE 2ND RESPONDENT WHICH IS
APPEARED IN THE MATHRUBHUMI DAILY DATED 19/12/2003
- P5 COPY OF THE JUDGMENT DATED 4/2/2004 IN WP(C).NO.1330/2004
- P6 COPY OF THE REPORT WHICH APPEARED IN THE PSC BULLETIN DATED
15/3/2004
- P7 COPY OF THE ADMISSION TICKET ISSUED BY THE KERALA PUBLIC SERVICE
COMMISSION TO THE PETITIONER FOR THE WRITTEN TEST HELD ON
30/8/2003
- P7 IN IA.NO.4767/2004 COPY OF THE NEWS REPORT WHICH APPEARED IN
DESABHIMANI DAILY DATED 30/3/2004
- P8 COPY OF THE NEWS REPORT WHICH APPEARED IN DESABHIMANI DAILY
DATED 31/3/2004

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

K. VINOD CHANDRAN, J

W.P(C) No. 10172 of 2004

Dated this the 02nd day of June, 2015

J U D G M E N T

The petitioner seeks for a CBI enquiry into the alleged leakage of examination papers in an examination conducted by the Kerala Public Service Commission to the post of Lower Division Clerk in various departments in Kannur District.

2. The petitioner was earlier before this Court with the same prayer, which writ petition was disposed of by Ext.P5. The learned Single Judge noticed the submission of the Public Service Commission that an enquiry is initiated on the allegation of malpractice in the examination. The writ petition was closed leaving open the remedy of the petitioner to approach this Court if her grievance survives after the enquiry.

3. The petitioner now, on the basis of Ext.P6 report seeks a CBI enquiry. At the outset Ext.P6 is only a paper report indicating that the Public Service Commission had conducted an

enquiry through the Vigilance Department and the allegations were found to be unsustainable. The Chairman having considered the report accepted the same and a rank list was also published in pursuance of the examination.

4. The Public Service Commission has filed a detailed counter affidavit pointing out the procedure by which the question papers were set and examinations were conducted. The measures adopted to ensure that no malpractice takes place has also been explained therein. It has also been categorically stated in the counter affidavit that the enquiry on the basis of Ext.P1 complaint was entrusted to the Vigilance Commissioner, who was holding the rank of a Superintendent of Police in the General Executive Branch of Kerala Police. The Chairman of the Public Service Commission on the basis of the report of the Vigilance Commissioner found the allegation to be unsubstantiated.

5. It is very pertinent that the petitioner has not

attempted to obtain a copy of the report and produce it before Court. The writ petition has been pending before Court from 2004 onwards and at this distance of time, there would be absolutely no reason why a CBI enquiry should be initiated, against an alleged malpractice, in an examination, which was enquired into and found to be without basis. The candidates who were successful in the examination were subsequently appointed and had been continuing all these years..

For all the above reasons writ petition would stand dismissed.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

jma //true copy///

P.A to Judge