

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN**

WEDNESDAY, THE 30TH DAY OF SEPTEMBER 2015/8TH ASWINA, 1937

WA.No. 2047 of 2015 () IN WP(C).4906/2014

**AGAINST THE JUDGMENT IN WP(C) 4906/2014 of HIGH COURT OF KERALA
DATED 28-01-2015**

APPELLANT/1ST RESPONDENT IN WPC:

**KERALA STATE ROAD TRANSPORT CORPORATION,
REPRESENTED BY ITS MANAGING DIRECTOR,
(K.S.R.T.C.) TRANSPORT HOUSE, FORT,
THIRUVANANTHAPURAM-695 023.**

BY ADV. SRI.M.GOPIKRISHNAN NAMBIAR, SC, KSRTC

RESPONDENTS/PETITIONER & RESPONDENT 2 & 3 IN WPC :

- 1. VISWAS P.N.
S/O. NARAYANAN NAMBOODIRI, "PUTHUSSERI"
CHATTARIPARAMBA P.O., KANNUR-670 650.**
- 2. KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY ITS SECRETARY,
THIRUVANANTHAPURAM-695 004.**
- 3. REGIONAL OFFICER,
KERALA PUBLIC SERVICE COMMISSION, REGIONAL OFFICE,
KOLLAM-691 001.**

**R BY SRI.KALEESWARAM RAJ
R BY SRI.P.C.SASIDHARAN, SC, KPSC**

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 30-09-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

DG

**THOTTATHIL B.RADHAKRISHNAN &
ANU SIVARAMAN, JJ.**

W.A.No.2047 of 2015

Dated this the 30th day of September, 2015

J U D G M E N T

Thottathil B.Radhakrishnan, J.

- 1.This appeal is against an interim order passed by the learned single Judge directing that appointment order be issued to the writ petitioner on the basis of the advice memo by the Public Service Commission for the appointment of the reserved conductor in KSRTC.

- 2.We are shown a judgment dated 5.6.2015, whereby W.A.No.1039 of 2015 against the impugned common order was dismissed. That appeal by KSRTC was dealt with merely on the ground that being an intra-court appeal against an order issued before the counter affidavit was placed, it was not necessary to interfere and also that there is no reason to condone the delay in filing that appeal.

3.Be that as it may, dealing with the present appeal by the KSRTC it is also pointed out by the learned Standing Counsel for Kerala Public Service Commission that all that has to be protected is that appointment orders shall not be issued except in accordance with the rank in the advice list. This is an unsurmountable salutary proposition. Under such circumstances, we clarify that the impugned order of the learned single Judge may be given effect to only in accordance with the ranking in the advice list and not otherwise. This clarification will apply to all matters of appointments from the advice list in question.

Writ appeal ordered accordingly.

Sd/-
(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

Sd/-
(ANU SIVARAMAN, JUDGE)

//TRUE COPY//

P.A TO JUDGE

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