

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN

&

THE HONOURABLE MR.JUSTICE K.HARILAL

MONDAY, THE 12TH DAY OF JANUARY 2015/22ND POUSHA, 1936

WA.No. 1997 of 2014 IN WP(C).12935/2014

AGAINST THE JUDGMENT IN WP(C) 12935/2014 of HIGH COURT OF KERALA
DATED 23-06-2014
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APPELLANT(S)/PETITIONERS 6 AND 7:

1. JINESH KUMAR.M
S/O.MOHANAN PILLAI, JINESH BHAVAN, AGASTIACODE
ANCHAL P.O., KOLLAM DISTRICT.

2. RAJESH KUMAR K.M.
S/O.K.MADHAVAN NAIR, KOLATHU HOUSE, CHOVVERAKODE
KAKKARA P.O., M.M.BAZAR, KANNUR.

BY ADV. SRI.ANCHAL C.VIJAYAN

RESPONDENT(S)/RESPONDENTS & PETITIONERS 1 TO 5 AND 8 TO 10:

1. THE KERALA PUBLIC SERVICE COMMISSION
PATTOM, THIRUVANANTHAPURAM
REPRESENTED BY ITS SECRETARY, PIN-695004.
2. THE SECRETARY
KERALA PUBLIC SERVICE COMMISSION, PATTOM
THIRUVANANTHAPURAM, PIN-695004.
3. THE KERALA STATE ROAD TRANSPORT CORPORATION
FORT P.O., THIRUVANANTHAPURAM
REPRESENTED BY ITS MANAGING DIRECTOR, PIN-695004.

ADDL. RESPONDENTS ARRAYED AS PER THE ORDER OF THIS COURT DATED 8/12/2014:

4. SANTHOSH, S/O. KARUPPAN,
ANGATHIL HOUSE, P.O. KODINJI,
THIROORANGADI, MALAPPURAM DISTRICT, PIN-676306.
5. VINOD KUMAR, S/O/ K.T. RAMAN,
PATIPARAMBIL HOUSE, CHEMANTHATTA, KIZHATUR P.O.,
MALAPPURAM DISTRICT, PIN-676325.
6. BABU, S/O. APOOTTY,
MANNARAKKAL HOUSE, KIZHAKKUMURI P.O.,
KAKKODI, KOZHIKODE, PIN-678 508.
7. JAYAPRAKASH T.G.,
S/O. GOPALAKRISHNAN,THOTTANATH,
KOORACHUND, KOZHIKODE, ATHIYODI, PIN-673 527.

(....2)

(2)

8. SHAILU T.K., S/O. RAGHAVAN,
THOOVAKUNNUMMAL HOUSE,
THAMARASSERY P.O., KOZHIKODE, PIN-673112.
9. LAKSHMANAN M., S/O. KUNHAMBU,
HOSDURG KADAPPURAM, PUTHOYAVALLAPPU,
KANHANGAD, KASARAGODE, PIN-671315.
10. BIJU K.K., S/O. KRISHNAN, THARAVATTUTHU HOUSE,
KARUVANNUR, P.O. NADUVANNUR,
KOZHIKODE, PIN-673614.
11. SURESH KUMAR P.G.,
S/O. GOPI P.R., PAZHANILATHU,
MEVADA P.O., KOTTAYAM, PIN-686620.

R1, R2 BY SRI.P.C.SASIDHARAN, SC, KPSC
R3 BY SRI.M.GOPIKRISHNAN NAMBIAR, SC, KSRTC

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 12-01-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OKB

THOTTATHIL B. RADHAKRISHNAN & K.HARILAL, JJ.

Writ Appeal No.1997 of 2014

Dated this the 12th day of January, 2015

JUDGMENT

Thottathil B. Radhakrishnan, J.

We have heard the learned counsel for the appellants quite in extenso. We have also heard the learned Standing Counsel for the KPSC as well as the K.S.R.T.C.

2. The appellants are the petitioners 6 and 7 in W.P(C) No.12935 of 2014. That writ petition was filed by ten persons, who aspired to enter service of K.S.R.T.C. as Painters. The plea, though put in a single writ petition, was rightly noted by the learned single Judge as relating differentially as regards the different writ petitioners. The learned single Judge has taken the pains of classifying the claims of each of the petitioners and has identified ultimately that, on facts, petitioners 1, 5, 6, 7 and 10 were not entitled to relief and the writ petition was allowed as regards writ petitioners 2, 3, 4, 8 and 9.

2. Hearing the learned counsel for the appellants, we see that while there is a superfluous plea raised in ground D challenging the addendum notification regarding the list of candidates and an omnibus statement as the inclusion of SC/ST/OBC and other general candidates, who were not

included in Ext.P2 list, and also reading ground B of the writ petition, we see that, in the ultimate analysis, the learned single Judge was right in correctly noticing that writ petitioner No.7, who is one among the appellants, had not secured the requisite cut off mark in the selection and the other appellant, namely, writ petitioner No.6 had not produced the experience certificate of having at least provisionally employed. He had only produced an experience certificate of a casual labourer. These two findings of facts are well reflected in paragraph 7 of the judgment that is rendered on an assimilation of the facts and relevant materials in writ jurisdiction. The learned single Judge has rightly exercised his discretion in refusing to interfere under Article 226 at the instance of writ petitioners 6 and 7. We cannot find any legal infirmity or error in that course adopted by the learned single Judge. We, therefore, do not see any ground to interfere in this intra-court appeal under Section 5 of the High Court Act. This Appeal does not merit interference.

In the result, this Appeal is dismissed.

Sd/-

THOTTATHIL B. RADHAKRISHNAN, JUDGE

Sd/-

K.HARILAL, JUDGE

okb.