

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFIQUE**

TUESDAY, THE 23RD DAY OF JUNE 2015/2ND ASHADHA, 1937

WP(C).No.1465 of 2014 (S)

PETITIONER:

**SABU STEEPHEN,S/O.STEEPHENSON,
AGED 40 YEARS,RESIDING AT GH,
GROUND FLOOR,NIKUNJAM ESTATE,
JAGATHY,THYCAUD P.O,THIRUVANANTHAPURAM-695 014,
KERALA.**

**BY ADVS.SRI.V.N.GOPALAKRISHNAN NAIR
SRI.A.CHANDRA BABU
SRI.A.ANILKUMAR
SRI.G.VARUN**

RESPONDENT'S:

- 1. KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY ITS SECRETARY,
THIRUVANANTHAPURAM-695001.**
- 2. DR.K.MANOCHARAN NAIR,(ASSOCIATE PROFESSOR,
DEPARTMENT OF COMMERCE,VTM NSS COLLEGE,
DHANUVACHAPURAM,THIRUVANANTHAPURAM),
LEKHA NIVAS,JOB LANE,KUMARAPURAM,
MEDICAL COLLEGE PO.,THIRUVANANTHAPURAM-695 014.**

**R1 BY SRI.P.C.SASIDHARAN, SC, KPSC
R2 BY ADV.SRI.UNNI.K.K. (EZHUMATTOOR)**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 23-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

pk

APPENDIX

PETITIONER'S EXHIBITS:

**EXHIBIT P1:TRUE COPY OF THE NOTIFICATION NO.449/2011 FOR THE POST OF
JUNIOR CO-OPERATIVE INSPECTOR OF CO-OPERATIVE SOCIETIES.**

EXHIBIT P2:TRUE COPY OF THE GUIDE IN BASICS OF CO-OPERATION.

**EXHIBIT P2(a):TRUE COPY OF THE GUIDE IN CO-OPERATIVE MANAGEMENT &
ADMINISTRATION.**

EXHIBIT P2(b):TRUE COPY OF THE GUIDE IN CO-OPERATIVE ACCOUNTING.

EXHIBIT P2(c):TRUE COPY OF THE GUIDE IN CO-OPERATION LEGAL SYSTEM.

**EXHIBIT P2(d):TRUE COPY OF THE GUIDE IN CO-OPERATION THEORY AND
PRACTICE.**

**EXHIBIT P3:TRUE COPY OF THE WRITTEN EXAMINATION WAS HELD IN
28-09-2013.**

**EXHIBIT P4:TRUE COPY OF THE QUESTION PAPER AND THE DETAILS OF
WHICH IS PRINTED SEPERATELY.**

**EXHIBIT P5:TRUE COPY OF THE PETITION FILED BY THE PETITIONER BEFORE
THE FIRST RESPONDENT.**

EXHIBIT P6:TRUE COPY OF THE POSTAL RECEIPT DATED 4-12-2013

RESPONDENT'S EXHIBITS:

**EXT.R2(a):TRUE COPY OF THE LETTER DATED 14.12.2012 OF THE 1ST
RESPONDENT.**

**EXT.R2(b):TRUE COPY OF THE LETTER OF THIS RESPONDENTS WITH
SYLLABUS.**

//TRUE COPY//

P.S. TO JUDGE

pk

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

W.P.C.No.1465 of 2014

Dated this the 23rd day of June 2015

J U D G M E N T

Ashok Bhushan, CJ

Heard learned counsel for the petitioner and the learned counsel appearing for the 2nd respondent.

2. This writ petition has been filed as a public interest litigation by the petitioner who claims to be a social activist. He has approached this Court for the following reliefs:

“A. A writ of mandamus/any other writ/order/direction may be issued thereby cancelling the written examination held on 28/09/2013 in pursuance of Exhibit P1 notification.

B. To issue a writ of mandamus/any other writ/order/direction to the first respondent calling upon the Kerala Public Service Commission to submit a report on the allegations leveled against it in Exhibit P5 complaint and also issuing a further writ/order/direction to keep in abeyance of all the further procedures in pursuance of Exhibit P1 notification.

C. To issue a writ/order/direction/any other writ to the first respondent to issue acknowledgments/receipts instantaneously to all petitions/complaints submitted in the office of the first respondent."

3. Notification was issued by the Kerala Public Service Commission for the post of Junior Co-operative Inspector. Allegation in the writ petition is that 2nd respondent was appointed as subject expert to prepare the syllabus and to set the question papers and answer keys for the examination. Allegations have been made that on account of propaganda at the instance of the 2nd respondent, guide books written by him was sold. It is submitted that some questions from the guide books have been repeated. In the writ petition, there are general allegation of malpractices in the examination without there being any specification.

4. 2nd respondent has filed a counter affidavit where it has been denied that he has set the question papers or answer keys. It is the case of the 2nd respondent that he was

only asked to prepare the syllabus. But he never set any question papers.

5. In the writ petition, there are no grounds on which we could have proceeded to grant the relief of cancellation of examination held on 28/09/2013. More so, this petition has been filed as a public interest litigation by the petitioner who claims to be a social activist. He is not an expert of subject or there are any grounds in the writ petition on which the examination can be cancelled. Learned counsel for the 2nd respondent further submits that the complaint filed before the Lok Adalath has already been rejected.

We do not find any merit in the writ petition and hence the same is dismissed.

(sd/-)

(ASHOK BHUSHAN, CHIEF JUSTICE)

(sd/-)

(A.M.SHAFFIQUE, JUDGE)

jsr

