

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

THURSDAY, THE 19TH DAY OF FEBRUARY 2015/30TH MAGHA, 1936

WP(C).No. 3739 of 2015 (N)

PETITIONERS:

1. CHANDRAMOHAN M.P., S/O. SANKARAN M.P.,
'VENU NIVAS', KANNOM, P.O.EZHOME, KANNUR-670334.
2. BIJU T.T., S/O. BHARATAN M.,
MADAYAMBATH HOUSE, P.O.VELLUR
KANNUR - 670 307.

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENTS:

1. KERALA PUBLIC SERVICE COMMISSION
REPRESENTED BY THE SECRETARY
KERALA PUBLIC SERVICE COMMISSION,
PATTOM, THIRUVANANTHAPURAM-695004.
2. DISTRICT OFFICER, KERALA PUBLIC SERVICE
COMMISSION, DISTRICT OFFICE, KASARGOD.

R1&R2 BY ADV. SRI.P.C.SASIDHARAN, SC, KPSC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 - TRUE COPY OF THE NOTIFICATION DATED 30-4-2011.
- EXHIBIT P2 - TRUE COPY OF THE SHORT LIST DATED 3-3-2014 ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT P3 - TRUE COPY OF THE LETTER DATD 23-7-2014 ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT P4 - TRUE COPY OF THE RELEVANT PART OF MATHRUBHUMI NEWSPAPER DATED 8-8-2014.
- EXHIBIT P5 - TRUE COPY OF THE RELEVANT PART OF THE MALAYALA MANORAMA DAILY NEWSPAPER DATED 8-8-2014.
- EXHIBIT P6 - TRUE COPY OF THE RELEVANT PART OF THE DESHABHIMANI DAILY NEWSPAPER DATED 8-8-2014.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

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Dated this the 19th day of February, 2015

JUDGMENT

The name of the petitioners very much finds a place in Ext.P2 short list prepared by the Kerala Public Service Commission for recruitment to the post of driver in the District Co-operative Bank, Kasargode. It is quite unlikely that all the 46 candidates who participated in the practical ('H') driving test on 07.08.2014 and 08.08.2014 would have failed. The contention of the petitioners that the steering wheel of the vehicle brought for 'H' test was faulty cannot be totally brushed aside in the circumstances. The petitioners rely on Exts.P4, P5 and P6 newspaper reports in their favour to which ofcourse I do not attach much significance.

2. I do feel that the Kerala Public Service Commission can take a decision afresh as to whether one more 'H' test could be conducted for the candidates included in Ext.P2 short list. This is especially so since the selection process upto Ext.P2 short list is admittedly blemishless and a practical test can be severed

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from the written test. A wide discretion is vested in Kerala Public Service Commission in this regard in view of Rule 11(iv) of the Kerala Public Service Commission Rules or procedure. I therefore direct the respondents to take a decision anew within a period of one month as to whether a fresh 'H' test could be conducted for the sake of candidates included in Ext.P2 short list. The needful shall be done with all expedition especially since about four years have elapsed since Ext.P1 notification inviting applications from candidates.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

ncd