

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 10TH DAY OF SEPTEMBER 2015/19TH BHADRA, 1937

WP(C).No. 12121 of 2015 (M)

PETITIONER(S):

SIJU R. AGED 41 YEARS
S/O RAVEEDRAN, SAJEEV BHAVANAM , MAHADEVIKAD.P.O
MAHADEVIKAD MURI, KARTHIKAPPALLY VILLAGE
KARTHIKAPPALLY TALUK, ALAPPUZHA DISTRICT 690 516

BY ADV. SRI.G.BENO

RESPONDENT(S):

1. KERALA PUBLIC SERVICE COMMISSION
REPRESENTED BY ITS SECRETARY, PATTOM P.O
THIRUVANANTHAPURAM

2. THE SECRETARY,
KERALA PUBLIC SERVICE COMMISSION, PATTOM, P.O
THIRUVANANTHAPURAM

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

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
10-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1: TRUE COPY OF THE ADMISSION TICKET OF THE DEPARTMENTAL TEST IN
THE YEAR JANUARY 2012

EXT.P1(A): TRUE COPY OF THE EXAMINATION RESULT OF THE YEAR JANUARY 2012

EXT.P2: TRUE COPY OF THE ADMISSION TICKET OF THE DEPARTMENTAL TEST IN
THE YEAR JANUARY 2014

EXT.P2(A): TRUE COPY OF THE EXAMINATION RESULT OF THE YEAR JANUARY 2014

EXT.P3: TRUE COPY OF THE ADMISSION TICKET OF THE DEPARTMENT TEST IN THE
YEAR JULY 2014

EXT.P3(A): TRUE COPY OF THE EXAMINATION RESULT OF THE YEAR JULY 2014

EXT.P4: TRUE COPY OF THE APPLICATION DATED 29/12/2014 FOR CERTIFICATE OF
DEPARTMENTAL TEST

EXT.P5: TRUE COPY OF THE REPRESENTATION DATED 12/3/2015 BY THE
PETITIONER

EXT.P6: TRUE COPY OF THE NOTARIZED AFFIDAVIT DATED 12/1/15

EXT.P7: TRUE COPY OF THE LETTER NO-DE VI/7817/13/EW DATED 24/03/2015 OF THE
2ND RESPONDENT

RESPONDENT(S)' EXHIBITS: NIL

TRUE COPY

P.A TO JUDGE

jma

K. VINOD CHANDRAN, J

W.P(C) No. 12121 of 2015

Dated this the 10th day of September, 2015

J U D G M E N T

The petitioner is aggrieved with the fact that the petitioner's results in the Departmental test of July 2014 is not clubbed with the results of the Departmental test of January 2012 by the Public Service Commission.

2. The petitioner is a Lower Division Clerk in the State Judiciary. The petitioner had appeared for the Departmental test in January 2012 by using the user ID "SIJU R 9439". He passed three papers and failed in two. Subsequently he appeared for the Departmental test in January 2014; but however, created a new User Id "SIJU R 5289". The petitioner failed to qualify in the said test and again appeared in the Departmental test of July 2014 for the two papers in the second ID created. The petitioner qualified in both the papers. However, the Public Service Commission specifically refused to club the two results since two different IDs

were created.

3. The petitioner relies on a decision of this Court in W.P(C) No.1414/2014 dated 14.02.2014, wherein, in a similar situation, a learned Single Judge of this Court directed a clubbing to be made. The learned Standing Counsel for the Public Service Commission however, refers to judgment in W.A No.521/2014 dated 31.03.2014 against the aforecited judgment, in which the Division Bench though refused to interfere with the discretionary power exercised by the learned Single Judge clearly stated that the judgment cannot be said to lay down any principle of law to be applied as a precedent or any practice of procedure to be adopted in subsequent cases.

4. The Division Bench specifically found so:-

“While it has been concluded by the learned Single Judge that the candidate having come out successful, she should not be denied certificate, we think that in a system where we are marching

forward with computerization and machine regulated management of elaborate institutions like PSC and other establishments, it would be exceptionally impossible for institutions to work, if relief granted in such isolated cases is taken and applied as a precedent thereafter”.

In such circumstance, it may not be proper for this Court to follow the aforecited judgment of the learned Single Judge. The principle stated above restricts this Court from exercising discretionary power. Writ petition hence would stand dismissed. The petitioner could opt any of the User IDs to appear for the examinations in either of the IDs so as to clear the Departmental Tests.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge