

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 6TH DAY OF FEBRUARY 2015/17TH MAGHA, 1936

WP(C).No. 19120 of 2014 (L)

PETITIONER:

VIDYA VISHWAK, AGED 36 YEARS
W/O. ARUN VIJAYAKUMAR, RESIDING AT SHA 4A
NAGPAL SAPHIRE HEIGHTS, VENNALA, PALACHUVADU ROAD
KOCHI-682 028.

BY ADVS.SRI.P.NANDAKUMAR
SRI.S.VIJAYAN
SRI.M.RAHUL
SMT.SREEJA VIJAYAN

RESPONDENT:

KERALA PUBLIC SERVICE COMMISSION
PATTOM, THIRUVANANTHAPURAM-695004
REPRESENTED BY ITS SECRETARY.

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

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
06-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

RKC

APPENDIX

PETITIONER'S EXHIBITS

P1. TRUE COPY OF THE NOTIFICATION DATED 31-12-11 ISSUED BY THE RESPONDENT.

P2.TRUE COPY OF THE ADMISSION TICKET.

P3.TRUE COPY OF THE RELEVANT EXTRACT OF THE NOTIFICATION DATED 23-5-2012 ISSUED BY THE RESPONDENT.

P4.TRUE COPY OF THE CORRECTED PHOTOGRAPHS OF THE PETITIONER UPLOADED IN PSC WEBSITE.

P5.TRUE COPY OF THE REPRESENTATION DATED 17-6-2014 SUBMITTED BEFORE THE RESPONDENT.

P6.TRUE COPY OF THE NOTIFICATION DATED 4-4-2014 PUBLISHED BY THE RESPONDENT.

RESPONDENT'S EXHIBITS: NIL

RKC

TRUE COPY

PA TO JUDGE

A.V.RAMAKRISHNA PILLAI, J.

W.P.(C) No.19120 of 2014

Dated this the 6th day of February, 2015.

JUDGMENT

A notification issued by the respondent Kerala Public Service Commission showing the register numbers of ineligible candidates including the petitioner, is under challenge in this writ petition.

2. The petitioner was a candidate who applied for the post of Junior Assistant/Cashier/Assistant Grade II etc. in KSFE, KSEB etc. She appeared for the written test conducted on 8.6.2013 on the basis of the admission ticket downloaded from the PSC website. Later, PSC published a notification showing the register numbers of ineligible candidates including the petitioner. The petitioner alleges that, on enquiries, she was given to understand that the rejection of her candidature was due to the defect, not showing her name and the date of photography on the photograph. According to the petitioner, such a stipulation was not there at the time when the

petitioner made online application. She also points out that she has corrected the defects in uploading the photograph. She further submitted that the PSC has permitted certain candidates to correct the defects in their photographs where the last date for submitting the application was not over and the selection process is yet to begin. However, according to the petitioner, the candidates who have already written the examination are not given the said benefits.

2. Arguments have been heard.

3. The learned counsel for the respondent Commission invited my attention to the decision of a Division Bench of this Court in ***Sasikala Vs. Kerala Public Service Commission (2012(2) KLT 585)*** wherein an identical situation was considered. The question raised in that case was whether non-mentioning of identity of person and date on which photograph is taken on the photograph as stipulated in the notification, was a minor defect. The Division Bench observed that the need for mentioning of the name of the person is to identify

the applicant. The date on which photograph was taken also has to be mentioned. It was observed that such stipulations are for the purpose of ensuring that the photograph was taken within the period of six months before the application. The Division Bench was of the view that the such defect could not be passed off as a minor one. It was observed that such conditions have been made with a view to prevent impersonation and to ensure fairness in the conduct of examination.

Viewed in that profile, the petitioner is not entitled to get any relief as prayed for in the writ petition. Therefore, the writ petition is dismissed.

Sd/-
A.V.RAMAKRISHNA PILLAI
JUDGE

Scl.