

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

WEDNESDAY, THE 11TH DAY OF NOVEMBER 2015/20TH KARTHIKA, 1937

WP(C).No. 33571 of 2015 (V)

PETITIONER(S)/PETITIONER:

SAVITHAKUMARI C.P., AGED 46 YEARS,
UPSA, KOLAVALLOOR UP SCHOOL, KOLAVALLOOR,
THUVAKKUNNU.P.O, KANNUR DISTRICT-670693.

BY ADV. SRI.R.K.MURALEEDHARAN

RESPONDENT(S)/RESPONDENTS:

1. THE KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY ITS SECRETARY, PATTOM,
THIRUVANANTHAPURAM-6905004.

2. THE SECRETARY,
KERALA PUBLIC SERVICE COMMISSION, PATTOM,
THIRUVANANTHAPURAM-695004.

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

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 11-11-2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

WP(C) .No. 33571 of 2015 (V)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P1 A TRUE COPY OF THE ADMISSION TICKET ISSUED TO THE
PETITIONER .

EXT.P2 A TRUE COPY OF THE PRINT OUT FROM THE WEBSITE.

EXT.P3 A TRUE COPY OF THE REPRESENTATION SUBMITTED BY
T.E.RAMA BAI.

EXT.P4 A TRUE COPY OF THE REPRESENTATION SUBMITTED BY
THE PETITIONER DATED 23.05.2015 TO THE MEMBEER KPSC.

RESPONDENT(S) ' EXHIBITS

NIL

//true copy//

P.S. to Judge

K. HARILAL, J.

W.P. (C) No. 33571 of 2015-V

Dated this the 11th day of November, 2015

JUDGMENT

The petitioner is an approved 'UPSA' working in Kolavalloor U.P. School, who appeared in the departmental account test. The grievance of the petitioner is that her result is invalidated on the reason that no office seal is seen affixed in the application. According to the petitioner, she submitted the application on line through the office of the school in which she is working and the application contained the designation seal of the Headmistress; but the office seal was omitted to be affixed due to the inadvertent mistake committed by the Headmistress and the Headmistress herself admitted her fault in Ext.P3 representation made by

the Headmistress to the Member of the Kerala Public Service Commission. The petitioner also made Ext.P4 application to the Member of the Kerala Public Service Commission requesting to release her result; but no action has been taken so far on Ext.P4 application submitted by the petitioner.

2. Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondents.

3. The facts are not disputed. It stands admitted that the application has been forwarded on line through the office of the school in which the petitioner has been working and the said application does not contain the office seal. According to the petitioner, it was so happened as the office seal was omitted to be affixed due to the inadvertent mistake from the part of the Headmistress and she is not liable for the same.

4. The learned Standing Counsel for the

respondents cited a decision of this Court in W.A. No.504/2014 dated 2/2/2015 and contends that the office seal is an essential requirement to make an application valid, when the same was sent through the office in proper channel.

5. The short question that arises for consideration is, whether the application filed by the petitioner ought to have been treated as one properly presented?

6. In my view, in so far as an application sent through the office in proper channel is concerned, the office seal is an essential requirement to make sure the authenticity of the application and the same is more important than the designation seal of the officer who forwarded the application for and on behalf of the applicant who is working under him in the institution. In the absence of the office seal, it cannot be treated as one properly presented. This view is supported by the decision of this Court in

W.A. No.504/14 also.

6. In the above analysis, I decline the jurisdiction to the petitioner under Art.226 of the Constitution of India.

This writ petition is devoid of merits and is dismissed accordingly.

Sd/-

(K. HARILAL, JUDGE)

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P.S. to Judge