IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

&

THE HONOURABLE MR. JUSTICE GOPINATH P.

WEDNESDAY, THE 16TH DAY OF DECEMBER 2020 / 25TH AGRAHAYANA, 1942

RP.No.922 OF 2020 IN WA. 262/2020

AGAINST THE JUDGMENT DATED 25.08.2020 IN WA 262/2020 OF HIGH COURT OF KERALA

REVIEW PETITIONERS/APPELLANTS:

1 KERALA STATE ROAD TRANSPORT CORPORATION KSRTC
REPRESENTED BY ITS MANAGING DIRECTOR, TRANSPORT
BHAVAN, FORT, THIRUVANANTHAPURAM-695023.

2 MANAGING DIRECTOR
KERALA STATE ROAD TRANSPORT CORPORATION, TRANSPORT
BHAVAN, FORT, THIRUVANANTHAPURAM-695023.

BY ADV. SRI.DEEPU THANKAN

RESPONDENTS/RESPONDENTS:

1 DUGLUS CHARLEY
S/O CHARELY JOSEPH, GRACE, PADINJARE VADAKKOTU P O
VENGERI, KANNADIKKAL,
KOZHIKODE-673010.

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

SRI. KALEESWARAM RAJ
SRI. P.C. SASIDHARAN, SC, KPSC

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 16.12.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 16th day of December 2020

Shaffique, J

This review petition has been filed inter alia contending that this Court did not decide the matter on merits and therefore a detailed consideration of the entire issue is required.

2. By the judgment under review, having taken note of the judgment in ***Kerala State Road Transport Corporation & Another v. Akhilesh V.S. & Others*** [(2019) 14 SCC 96], we have confirmed the view expressed by the learned Single Judge taking into account the fact that the notification related only to one vacancy, i.e., Latin Catholic/Anglo India (Ex-service men) and the fact that advice has already been issued by the KPSC in the year 2018.

3. Learned counsel for the review petitioners/KSRTC submits that it was not the only NCA vacancy that had been advised by the KPSC and therefore in view of the judgment, the Corporation will be forced to appoint other candidates as well. Reference is made to Annexure A1 advice issued by the KPSC dated 14.3.2018, another advice as Annexure A2 dated 27.4.2017 and a ranked list published by the KPSC dated 29.3.2017 produced as Annexure A3. It is submitted

that in view of the financial difficulties faced by the Corporation, the matter was discussed with the Government and it was decided not to make regular appointments.

4. Of course, the KSRTC is entitled to take such a view. However, in the present set of facts which we have already narrated, the case of the writ petitioner stands on a different footing. He was the sole candidate available from among the persons who have been advised in a particular category, i.e., Latin Catholic/Anglo Indian(Ex-service men). Ex-service man requires special consideration and it was in that background we delivered the judgment. We make it clear that this judgment shall not be taken as a precedent in respect of similarly placed persons.

The review petition is disposed of with the above clarification.

Sd/-

A.M.SHAFFIQUE

JUDGE

Sd/-

GOPINATH P.

JUDGE

kp True copy

P.A. To Judge

APPENDIX

PETITIONERS' EXHIBITS:

ANNEXURE-A1	**TRUE COPY OF THE COMMUNICATION ISSUED BY THE KERALA PUBLIC SERVICE COMMISSION DATED 14.03.2018.**
ANNEXURE-A2	**TRUE COPY OF THE COMMUNICATION ISSUED BY THE KERALA PUBLIC SERVICE COMMISSION DATED 27.04.2017.**
ANNEXURE-A3	**TRUE COPY OF THE RANK LIST DATED 29.03.2017.**
ANNEXURE-A4	**TRUE COPY OF THE PROCEEDINGS OF THE MANAGING DIRECTOR OF THE CORPORATION DATED 19/08/2020.**