

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

TUESDAY, THE 8<sup>TH</sup> DAY OF AUGUST 2023 / 17TH SRAVANA, 1945

WP (C) NO. 20220 OF 2023

PETITIONER:

ADV. HASNA MOL N.S., D/o. SREEDHARAN K.K  
KAMPOTH CHIRA HOUSE, KODUMTHURUTH, KUTHIATHODE P.O,  
CHERTHALA, ALAPPUZHA,, PIN - 688533

P.V.VIBIN  
A.M.FASEENA  
M.JAYAKRISHNAN  
POOJA P.S.

RESPONDENTS:

- 1 SECRETARY, KERALA PUBLIC SERVICE COMMISSION, NEAR  
PATTOM JUNCTION, THULASI HILLS, PATTOM PALACE P.O,  
THIRUVANANTHAPURAM, PIN - 695004
- 2 THE SECRETARY, KERALA PUBLIC SERVICE COMMISSION,  
PUBLIC EXAMINATION CENTRE II, PALAKKAD, PIN - 678001
- 3 STATE OF KERALA, REPRESENTED BY ITS SECRETARY,  
DEPARTMENT OF LAW, GOVERNMENT SECRETARIAT,  
THIRUVANANTHAPURAM, PIN - 695001

SRI.P.C.SASIDHARAN [SC]

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
08.08.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**JUDGMENT**

The petitioner applied to be appointed to the post of Assistant Public Prosecutor, pursuant to a notification issued by the Kerala Public Service Commission (PSC). She says that she was issued a Hall Ticket: but that when she went to the examination hall to take the examination, she was denied the opportunity, saying that her original application was defective, because the photograph uploaded by her did not contain her name or the date on which it was taken. She concedes that there were no such inputs on the photograph; but argues that, in such event, the PSC ought not to have issued her a Hall Ticket, thus subjecting her to ridicule in the examination hall, by being denied an opportunity to write the examination.

2. The petitioner argues that once the PSC had issued the Hall Ticket, then it should be assumed that they had waived all objections against her application and hence that she was entitled to write the examination also. She thus prays that the PSC be directed to cancel the examinations for the post of Assistant Public Prosecutor; or in the alternative,

to direct them to grant her an opportunity to write the same, through a special chance.

3. The afore submissions of Sri.M.Jayakrishnan, made on behalf of the petitioner, were opposed by Sri.P.C.Sasidharan - learned standing counsel for the PSC, saying that since it is conceded by the petitioner that her application was defective - the photograph of hers not containing her name, or the date on which it was taken - going by the general instructions issued by the PSC - which have the same status as statutory prescriptions - it can only be rejected and the candidate not allowed to take advantage of the same. He submitted that, therefore, when the petitioner herself admits unequivocally that her photograph uploaded did not contain her name or the date on which it was taken, it is only axiomatic that the same was deserving of being rejected; and that merely because it was not so done, she cannot claim any right based on the Hall Ticket issued inadvertently.

4. I must say that there is force in the afore submissions of the learned standing counsel for the PSC because, when the petitioner herself admits that the uploaded photograph in

her application did not contain her name or the date on which it was taken, it falls foul of the declarations of this Court in **Kerala Public Service Commission v. Reshmi K.R. and others** [2019 (5) KHC 875]. The said application, therefore, is legally defective and could never have been acted upon by the PSC; and hence merely because the petitioner was issued a Hall Ticket based on the same by the PSC, being unaware of the said defect, it would not obtain to her any right to write the examination.

5. That said, the grievance of the petitioner is also justified because once she had been issued with a Hall Ticket, she was perhaps certainly put to ridicule when she went to the examination hall and then denied opportunity to take part in it. This certainly ought to have been avoided by the PSC; and I am certain that this will be kept in their mind in future exercises.

In the afore circumstances and being in confirmation with the declarations of this Court in **Reshmi K.R.** (*supra*), I dismiss this writ petition; however, clarifying that the observations of this Court cannot be interpreted by anyone to mean that it has evaluated the merits of the qualifications of

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the petitioner, or her competence; and obviously, therefore, she would be at full liberty to take part in any future appointment exercise, without being fettered by this judgment.

**Sd/- DEVAN RAMACHANDRAN**

**JUDGE**

stu

**APPENDIX OF WP (C) 20220/2023**

PETITIONER EXHIBITS

Exhibit P1 TRUE COPY OF THE ADMISSION TICKET ISSUED BY  
KERALA PUBLIC SERVICE COMMISSION

Exhibit P2 TRUE COPY OF THE COMPLAINT DATED 5.6.2023  
SUBMITTED BY THE PETITIONER BEFORE THE 1ST  
RESPONDENT

Exhibit P3 TRUE COPY OF SCREEN SHOT OF THE PSC PROFILE  
OF THE PETITIONER