

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

TUESDAY, THE 8TH DAY OF NOVEMBER 2022 / 17TH KARTHIKA, 1944

WP (C) NO. 35744 OF 2022

PETITIONERS:

- 1 NAZEEM S.R., S/O. SHAMSUDDIN, NAZEEM MANZIL, VISWANATHA KALYANAMANDAPAM, VAZHIMUKKU, BALARAMAPURAM, THIRUVANANTHAPURAM, PIN-695 501.
- 2 PRADEEPAN K., KOTTIYANTAVIDA HOUSE, PERINGATHUR POST, KANNUR DISTRICT, PIN-670 675.
- 3 DIVYA SREE C.K., SREE VARALAKSHMI HOUSE, KUNNOTH POST, PATTANNUR, KANNUR DISTRICT, PIN-670 595.
- 4 NAVEENA P.K., KRISHNA KRIPA, POKKUND, KURUMATHUR PO, THALIPARAMBA, KANNUR DISTRICT, PIN-670 142.
- 5 BABU RAMESH R, KIZHAKKAPURAYIL HOUSE, CHUNDAKKUN POST, CHUNDAKKUN, CHEMPERY, KANNUR DISTRICT, PIN-670 632.
- 6 SANEESH C, PILAKATTIL HOUSE, PATHIRIYAD POST, KANNUR DISTRICT, PIN-670 741.
- 7 SURESAN K, THULLAN VALAPPIL HOUSE, KOTTAYAD POST, KANDAKKAI, KANNUR DISTRICT, PIN-670 602.
- 8 SHAJI C.M., SREE VILASAM, EDAYANNUR POST, PANAYATHAMPARAMBA, KANNUR DISTRICT, PIN-670 595.
- 9 PRAJEESH P.V., KILACHAPARAMBIL, IRINGAL POST, VADAKARA (VIA.), KOZHIKODE DISTRICT, PIN-673 521.
- 10 JAYAKRISHNAN K., KRISHNALAYAM KURIKKETIL HOUSE, KITANHI POST, PERINGATHUR (VIA.), KARIYAD, KANNUR DISTRICT, PIN-670 675.
- 11 MUHAMMED SADIK, SALEENA MANZIL, ARKKANOR POST, KARALIKONAM, KOLLAM DISTRICT, PIN-691 533.
- 12 SHAINI K.V., ASHTAMI HOUSE, VELAM POST, MAYYIL, KANNUR DISTRICT, PIN-670 602.
- 13 BINDU T, THIYYANCHERI HOUSE, NUCHIYAD POST, KANNUR DISTRICT, PIN-670 633.

- 14 VINOD M, KALIPURATHU VEEDU, KUREEPUZHA CHERRY,
KAVANAD POST, KOLLAM DISTRICT, PIN-691 003.
- 15 AJESH K.V., KALLU VALAPPIL HOUSE, MUCHUKUNNU
POST, KOZHIKODE DISTRICT, PIN-673 307.
- 16 NIJESH.K.K., KOTTAKUNNUMMAL HOUSE, IRINGAL POST,
VATAKARA, KOZHIKODE. PIN-673 521.

BY ADV O.D.SIVADAS

RESPONDENTS :

- 1 KERALA STATE ROAD TRANSPORT CORPORATION KSRTC
TRANSPORT BHAVAN, THIRUVANANTHAPURAM, PIN-695
001, REPRESENTED BY ITS MANAGING DIRECTOR.
- 2 THE CHAIRMAN AND MANAGING DIRECTOR,
KERALA STATE ROAD TRANSPORT CORPORATION,
TRANSPORT BHAVAN, THIRUVANANTHAPURAM,
PIN - 695 001.
- 3 THE KERALA PUBLIC SERVICE COMMISSION
REPRESENTED BY ITS SECRETARY, PATTOM,
THIRUVANANTHAPURAM, PIN-695 004.

SRI.DEEPU THANKAN-SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 08.11.2022, ALONG WITH WP(C).35728/2022, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

TUESDAY, THE 8TH DAY OF NOVEMBER 2022 / 17TH KARTHIKA, 1944

WP(C) NO. 35728 OF 2022

PETITIONERS:

- 1 KURIAKOSE K.B., KIZHAKKELTHENATTUMOOLAYIL (H),
THENGODE P.O., NAVODAYA, KAKKANAD, ERNAKULAM-
682030
- 2 SHIBU.S., S/O SREEDHARAN. A., KUZHIVILA PUTHEN
VEEDU, PANANVILA, NALANCHIRA P.O., TRIVANDRUM-
695015
- 3 SHIHAB CHAKKEERI, CHAKKEERI HOUSE, S/O ALI,
CHERUR P.O., VENGARA VAI, MALAPPURAM DT -676304
- 4 ANIL KUMAR .S.,
S/O SUKUMARAN NAIR, KIZHAKUMKARAPUTHENVEEDU,
SIVAJYOTHI CHITTAKODE , KOOVALASSERY P.O., -695512
- 5 MANOJ. M. S.
S/O SURENDRAN , KAMBILLIL HOUSE, KEEZHILLAM
P.O., PERUMBAVOOR, ERNAKULAM-683 541
- 6 ANISH MUKUNDAN
S/O.C.MUKUNDAN, OTTAPURAYIL HOUSE, ATTADAPPA
P.O., ATTADAPPA , KANNUR- 670006
- 7 SREEKUMAR.A.,
S/O APPUKUTTAN NAIR.V., MATHRUSMARANA,
MYLOTTUKONAM, KATTUMPURAM P.O., KALLARA -695608
- 8 SHARNGADAS. S. V .,
S/O SASI DHARAN R, GOWRI NIVAS , NEAR VIMALA
HOSPITAL, KALLUVATHUKKAL P.O., KOLLAM- 691578
- 9 ARUNKUMAR .K., PAYAMBACHAL HOUSE, NADUVANAD
P.O., KANNUR DT- 670702

- 10 THOMAS SEBASTIAN
S/O DEYASIYA THOMAS, NADUVATHETTU HOUSE,
ARPOOKARA. ESTPO. KOTTAYAM- 686008
- 11 STEPHEN P.V.,
POIKKATTU (H), MADATHUMPADY P.O.,
MALA MADATHUMPADY, 680733, THRISSUR
- 12 SHAJAHAN .T.K.,
S/O. AHAMMAD KOYA, KEERIYARATH HOUSE,
CHERUVATTOOR, VAZHAKKAD P.O.,- 673640
- 13 SAJEEV.R ., S/O. RAMAKRISHNAPILLA,
ARATILKIZHAKKATHIL, CHANDANATHOPU P.O.,
CHATHINAMKULAM, KOLLAM -691014
- 14 ASHOKAN.G., S/O OF GANESHAN ACHARY, KOLINCHIVILA
PUTHENVEEDU, MUKKODU P.O., MULAVANA, KUNDARA,
KOLLAM- 691503
- 15 BABURAJ.K., CHERUPARAMBU HOUSE, KUZHIMANNA POST,
MALAPPURAM DIST- 673641
- 16 RENJITH KUMAR.G.,
NADUKALATHIL HOUSE, MANAKAD P.O., THODUPUZHA,
IDUKKI DIST- 685608
- 17 PRASANTH K.K., S/O. KUNJIKKANNAN,
KUNNIYAMPURATH (H), NOOLPUZHA P.O. .,
THEKKAMPATTA, WAYANAD -673592
- 18 PRIJOY M. ISAAC
S/O. ISSAC, MOTHAL (H), CHULLIYODE P.O., SULTAN
BATHERY, WAYANAD- 673592
- 19 ASISH JOSE K. J.,
S/O JAMES K.C ., KALLAKKUNNEL (H) , THINDUMMEL,
THALAPPUZHA P.O., 670644 WAYANAD
- 20 REJEENDRAN R.G.,
S/O. RAMACHANDRAN K ., THENGUVILA VEEDU,
THURUVICKAL P.O., PULAYANARKOTTA, TVM- 695011
- 21 AJEESH T.B., THUMBAMANACKAL (H), ARAKULAM P.O.,
ARAKULAM, 685591 IDUKKI

- 22 JINTO THOMAS
KOCHUKAIPPEL (H), MEEMUTTY P.O., KODENCHERY
(VIA), KOZHIKODE DIS, KERALA -673580
- 23 PRATHEESH KUMAR.M.,
S/O. BALAKRISHNAN, MALAYIL HOUSE,
PADINJATTUMURI, KAKKODI P.O.,
KOZHIKODE-673611
- 24 PRAKASH.K.,
SIVASAKTHI VALIYAVILA ,THOTTAKADU P.O., 695605
ATTINGAL , TRIVANDRAM
- 25 SUDHEESH.V.,
S/O VASU, MELEPURA HOUSE, ERIMAYUR P.O.,
ALATHUR, PALAKKAD- 678546
- 26 SREEJITH A.R.,
S/O RAVEENDRAN, ANISSERIL HOUSE, PULPALLY P.O.,
WAYANAD -673579
- 27 VINU M.V,M
S/O. V.KRISHNAN KUTTY, VASUDEVA VIHAR,
KARAKURISSI P.O., PALAKKAD -678595
- 28 BIBEESH GEORGE
S/O VARKEY, KANJIRATHINKAL HOUSE, MUKKAM
P.O.,PERUMBADAPPU, KOZHIKODE DIST- 673602
- 29 SUNEESHKUMAR. P. M.,
S/O. KANNAN, PULIKKUNNUAL MEETHAL, KEEZHAL P.O.,
VADAKRA - 673104
- 30 SUNILKUMAR V.M.,
S/O. MANOHARAN V.K., VATTAKUNNEL HOUSE, EDANAD
P.O., PALA -686574
- 31 RAJESH.T.K.,
S/O. KUNJIRAMAN, THYKKADAVAN KIZHAKKE VEAD
, PANNIYOOR P.O., KANNUR- 670142
- 32 JAYAKUMAR.A
S/O APPUKUTTAN PILLAI, JALAJA BHAVAN, THAZHAM
NORTH, CHATHANOR P.O., KOLLAM -691572

- 33 JAYAPRAKASH T.V.,
S/O. K.P. KRISHNAN, MUNDENMMARKADAVU (H),
KALICHA NADUKKAM P.O., NILESHWARAM (VIA),
KASARAGOD DIST -671314
- 34 RAJEESH .R.,
S/O RAJAN, MANJILADIYIL HOUSE, PANAMANNA SOUTH,
OTTAPPALAM- 679501, PALAKKAD.
- 35 JAYESH.N.K.,
S/O. KONCHIRAMAN NAMBIER , NOCHANA PUTHANAVEEDU,
PUTHUSSERY P.O., WAYANAD- 670645
- 36 ROBY GEORGE
THEKKEVAYALIL HOUSE, PUNNAKKUNNU P.O.,
PUNGAMCHAL VELLARIKKUNDU VIA, KASARAGOD DIST,
KERALA- 671534
- 37 RAMACHANDRAN.R
S/O. RAJAN.K., LAKSHAM VEEDU, INDUSTRIAL ESTATE
P.O., PUDUPPARIYARAM , PALAKKAD- 678731
- 38 BABU POOLACKAL
S/O VELAYUDHAN, AYANICODE VALIYAPARAMBU, POROOR
P.O., VANIYAMBALAM, MALAPPURAM DIST, KERALA-
679339
- 39 SHINU T.J.,
S/O JOHNY JOSEPH, THADATHARIKATHU PUTHENVEEDU,
VALARA P.O., VALARA, ADIMALI , IDUKKI DIST-
685561
- 40 SUNIL P.V.,
S/O.O.VELAYUDHAN, PAYANGAPPADAN (H),
NARKKILAKKAD, KOTTAMALA P.O., KASARGOD DIST-
671314
- 41 BABU PAUL
MANAYANICKEL HOUSE, RAJAPURAM P.O., IDUKKI DIST-
685604
- 42 BIJU P. VARGHESE
PALLIVATHUKKAL HOUSE, POTTANKAD P.O., 20ACRE,
IDUKKI DT -685565

- 43 SACHIDANADAN P.R.,
POOSSERY HOUSE, NETTISSEY P.O., MUKKATTUKARA,
THRISSUR- 680651
- 44 MANESH GEORGE
THEKKEVAYALIL (H), PARAMBA P.O.,KASARAGOD DIST-
671534
- 45 OUDEPH P.L .,
PUTHUR (H), ANKUR P.O., MINDUR, TRICHUR -680541
- 46 SHAJAHAN P.,
S/O. ALAVI.P., PAMBADAN HOUSE ,THANIPPARA
P.O.,MANJERI- 676121
- 47 SURESH BABU T.G.,
S/O GOPALAN, THANNIKUZHI HOUSE, KENICHIRA P.O.,
WAYANAD DIST- 673596
- 48 RAJESH R.P.NAIR.,
S/O K.RAVEENDRAN NAIR, EDAYILAVEEDU, MYLAM
CHERIYAKONNI P.O., TRIVANDRUM- 695013
- 49 MAHESH M.,
MOHANAVILASAM, MANNADY, MANNADY P.O.,
PATHANAMTHITTA -691530
- 50 SAJU V.,
S/O VARGHEES.S., MAVARAVATTA THADATHARIKATHU
VEEDU, KAPPIKADU POOVACHAL P.O.,- 695575
- BY ADV P.DEEPAK

RESPONDENTS :

- 1 STATE OF KERALA
REPRESENTED BY SECRETARY, DEPARTMENT, GOVERNMENT
TRANSPORT SECRETARIAT, THIRUVANANTHAPURAM-695001
- 2 KERALA STATE ROAD TRANSPORT CORPORATION,
REPRESENTED BY ITS CHAIRMAN & MANAGING DIRECTOR,
TRANSPORT BHAVAN, EAST FORT, THIRUVANANTHAPURAM-

695023

- 3 THE CHAIRMAN & MANAGING DIRECTOR,
KERALA ROAD TRANSPORT CORPORATION, TRANSPORT
BHAVAN, EAST FORT, THIRUVANANTHAPURAM-695023

- 4 KERALA STATE ROAD TRANSPORT CORPORATION,
SWIFT, KSRTC BUS TERMINAL, ANAYARA,
THIRUVANANTHAPURAM-695 029, REPRESENTED BY ITS
CHAIRMAN & MANAGING DIRECTOR.

SRI.DEEPU THANKAN-SC,
SMT.PARVATHY.K-GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 08.11.2022, ALONG WITH WP(C).35744/2022, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT**[WP (C) Nos. 35744/2022, 35728/2022]**

I am considering these two writ petitions together since they involve the same issues, *albeit* involving different positions, in the services of the Kerala State Road Transport Corporation (KSRTC).

2. W.P.(C) No.35728/2022 have been filed by persons who want to be appointed as “Reserve Drivers” with the KSRTC and they impugn Ext.P5 order, whereby, they allege that persons from outside rank list - which had been earlier prepared by the Public Service Commission (PSC) for such purpose - are being clandestinely invited, to be granted employment illegally. They assert that this is contrary to the directions of this Court in Ext.P3 judgment and P4 interim order; and thus pray that Ext.P5, to the extent impugned, be set aside.

3. As far as the petitioners in W.P.(C) No.35744/2022 is concerned, they claim to be included in a rank list published by the PSC as Conductors in the services of the KSRTC, but which has also now expired. They also assert, therefore, that going by the aforementioned two binding precedents, the KSRTC could not have issued the impugned notification which has

been produced in this case as Ext.P4.

4. I have heard Sri.P.Deepak – learned counsel for the petitioners in W.P.(C) No.35728/2022; Sri.O.D.Sivadas – learned counsel for the petitioners in W.P.(C) No.35744/2022 and Sri.Deepu Thankan – learned standing counsel for the KSRTC.

5. In response to the afore assertions of the petitioners, Sri.Deepu Thankan – learned standing counsel for the KSRTC submitted that the petitioners in W.P.(C) No.35728/2022 has approached this Court unnecessarily because, even going by impugned Ext.P5 notification therein, persons who are included in the earlier rank list prepared by the PSC have been given preference to be appointed, provided they make an application within the stipulated time frame. He pointed out that as per the said notification, they ought to have made such applications before 26.10.2022; adding that there is a sense of urgency involved because of the Sabarimala season has already approached.

6. Sri.Deepu Thankan thereafter submitted that the contentions of the petitioners in W.P.(C) No.35744/2022 are untenable because the rank list prepared by the PSC in the past has expired without any advice being made therefrom. He

submitted that, therefore, Ext.P4 in the said case, as far as it relates to Conductors, can never be assailed by them.

7. I have considered and evaluated the afore submissions on the touchstone of various pleadings and materials available on record.

8. It is uncontested that, as far as the 'Reserve Drivers' are concerned, there certainly was a rank list prepared by the PSC which has now expired and from which advices were made; as regards the Conductors, it is admitted that there was such a rank list for them also, but from which no advice had been made.

9. In the afore context, when one reads the impugned notification of the KSRTC, it certainly says that as far as 'Reserved Drivers' are concerned, preference will be given to those persons who are included in the expired rank list prepared by the PSC in the past, provided they apply for the said position. However, there is no such stipulation therein with respect to 'Reserve Conductors'; presumably for the reason above.

10. Interestingly, Sri.Deepu Thankan - learned Standing Counsel for the KSRTC, as stated above, also affirms that in the case of 'Reserve Drivers', the petitioners in W.P.(C)

No.35728/2022 or any other person included in the rank list can be given priority. However, the fact remains that the time frame in the said notification has now expired. I, therefore, asked him whether the KSRTC would stand in the way of this Court extending the time frame to which he submitted that because of the Sabarimala season, a large extension may not be considered confining to not more than five days.

11. That said, the case of the petitioners in W.P.(C) No.35744/2022 can also be treated differentially merely because the rank list in which they were earlier included has now expired without any advice being made therefrom. I am sure that they should also be given priority as stated in the notification of the KSRTC in the case of 'Reserve Drivers' and that consequently, time frame for them to apply should also be extended.

In the afore circumstances,

(a) (i) W.P.(C) No.35728/2022 is allowed, leaving full liberty to the petitioners therein to make an application to the competent Authority of the KSRTC as per Ext.P5 notification not later than 14.11.2022, along with documents and evidence to show that they were included in the old rank list prepared by the PSC, which has now expired.

(ii) If this is done by the petitioners, their claims will be considered by the KSRTC appropriately adverting to all other required criteria as may be satisfied.

(b) (i) W.P.(C) No.35744/2022 is ordered to the limited extent of leaving liberty to the petitioners to make an application under Ext.P4 on or before 14.11.2022, along with documents and evidence to show that they were included in the old rank list prepared by the PSC, which has now expired.

(ii) If this is done by the petitioners, their claims will be considered by the KSRTC appropriately, adverting to all other required criteria as may be satisfied, *de hors* clause No.B.1.3 of Ext.P4.

Sd/- DEVAN RAMACHANDRAN
JUDGE

stu

APPENDIX OF WP(C) 35744/2022

PETITIONER EXHIBITS

Exhibit P1 TRUE COPY OF THE JUDGMENT DATED 4.02.2019
IN WA NO. 2248 OF 2018 AND CONNECTED
CASES, FILED BEFORE THE DIVISION BENCH OF
THIS HON'BLE COURT.

Exhibit P2 THE COPY OF THE REPORTED JUDGMENT OF THIS
HON'BLE COURT IN KSRTC RESERVE CONDUCTORS
RANK ASSOCIATION VS. STATE (1996 KHC 315).

Exhibit P3 TRUE COPY OF THE JUDGMENT DATED 5.7.2021
IN W.P.(C) NO.1451/2021, ON THE FILES OF
THIS HON'BLE COURT.

Exhibit P4 TRUE COPY OF THE MEMORANDUM DATED
15.10.2022 ISSUED BY THE CORPORATION.

APPENDIX OF WP(C) 35728/2022

PETITIONER EXHIBITS

- Exhibit P1 A TRUE COPY OF THE JUDGMENT REPORTED IN
2019 SCC ONLINE KERALA 1180
- Exhibit P2 A TRUE COPY OF THE ORDER DATED 08.05.2019
IN SLP (CIVIL) NO: 11034 OF 2019
- Exhibit P3 TRUE COPY OF THE JUDGMENT DATED 19.11.2019
IN WPC NO: 31017 OF 2019
- Exhibit P4 A TRUE COPY OF THE INTERIM ORDER DATED
22.08.2022 IN WA NO: 1126 OF 2022
- Exhibit P5 A TRUE COPY OF THE MEMORANDUM (NO:
573/GL2/2021/RTC) OF THE 3RD RESPONDENT
DATED 15.10.2022