

(2014) 02 KL CK 0015
In the High Court Of Kerala
Case No : OP (KAT). No. 40 of 2014 (Z)

Sreekala G.K.

APPELLANT

Vs

State of Kerala

RESPONDENT

Date of Decision : 21-02-2014

Acts Referred:

Citation : (2014) 02 KL CK 0015

Hon'ble Judges : T.B. Radhakrishnan, J;A. Muhamed Mustaque, J

Bench : Division Bench

Advocate : Mary Benjemin Adv, Advocate for the Appellant; P.C. Sasidharan, SC, KPSC, Advocate for the Respondent

Final Decision : Dismissed

Judgement

Thottathil B. Radhakrishnan, J.—We have heard the learned standing counsel for the Public Service Commission and the learned Senior Government Pleader quite in extenso.

2. The facts are not in dispute. PSC's notification inviting applications had prescribed the last date of application as 2.6.2010 prescribing the age limit as on 1.1.2010. Petitioner, being a member of a category in which age relaxation is available, was entitled to apply, had she not attained 42 years of age as on 1.1.2010. Though she had crossed that age limit, she applied. That application was processed as a matter of routine; she wrote the competitive examination and was shortlisted. Thereafter, PSC noted that she was not eligible for even applying, since she had crossed the prescribed age limit. Her name was then removed from the shortlist. She moved the Kerala Administrative Tribunal on the plea that the Government decision in 2012 to raise the retirement age by one year has been given a reciprocal impact on the enhancement of the intake age limit and therefore, such enhancement should be made applicable in the case of the petitioner also. The Tribunal noted that in the notification against which the petitioner applied, the cut off date for age limit was 1.1.2010 and the last date for application was 2.6.2010. Obviously, the Government decision which came in

2012 could have no impact on the prescriptions and the effect of the PSC notification in the case in hand.

3. Be that as it may, the learned counsel for the petitioner referred to the Full Bench decision of this Court in Mohanan Vs. Director of Homeopathy, which also explains the earlier decision of the Division Bench in Kunju Kunju Vs. State of Kerala, , also referred to by the learned counsel for the petitioner. Those decisions relate to issues as to the effect of retrospective or prospective amendment of the Special Rules which are statutory rules, on select list or rank list prepared by the PSC and the entitlement to be appointed by mere inclusion in the select list de hors the retrospective amendment of the relevant statutory special rules. Those are not applicable to decide the case in hand.

4. For the foregoing reasons, we see no merit in this original petition.

In the result, this original petition is dismissed.