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Conc.Case (C)No.935 of 2025

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

&

THE HONOURABLE MR.JUSTICE MURALEE KRISHNA S.

TUESDAY, THE 17TH DAY OF MARCH 2026 / 26TH PHALGUNA, 1947

CON.CASE(C) NO. 935 OF 2025

AGAINST THE JUDGMENT DATED 03.07.2024 IN OP(KAT) NO.178 OF
2020 OF HIGH COURT OF KERALA

PETITIONER/RESPONDENT IN OP(KAT) :

THULASI B NAIR, AGED 41 YEARS
W/O GOPA KUMAR RESIDING AT NANDANAM HOUSE, KODUNGOOR,
VAZHOOR P.O, KOTTAYAM DISTRICT, KERALA, PIN - 686504

BY ADVS.
SRI.P.SATHEESH KUMAR (S 3441)
SHRI.ADARSH SIVADASAN
SMT.KARTHIKA S.A.

RESPONDENT/PETITIONER IN OP(KAT) :

MR.SAJU GEORGE, AGE AND FATHER'S NAME NOT KNOWN TO THE
PETITIONER SECRETARY, KERALA PUBLIC SERVICE
COMMISSION, PATTOM PALACE P.O, THIRUVANANTHAPURAM,
KERALA, PIN - 695004

BY ADV SHRI.P.C.SASIDHARAN, SC, KPSC

THIS CONTEMPT OF COURT CASE (CIVIL) WAS FINALLY HEARD ON
10.03.2026, THE COURT ON 17.03.2026 PASSED THE FOLLOWING:



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JUDGMENT

Muralee Krishna, J.

This Contempt Case (Civil) is filed by the petitioner alleging wilful disobedience of Annexure A1 judgment dated 03.07.2024 of a Division Bench of this Court in O.P.(KAT) No.178 of 2020, whereby that original petition was dismissed by confirming the order dated 16.10.2019 of the Kerala Administrative Tribunal, Thiruvananthapuram (the 'Tribunal' in short) in O.A.No.1789 of 2017 and further directing the Kerala Public Service Commission ('KPSC' for short) to take appropriate steps to comply with the directions issued by the Tribunal, at the earliest.

2. According to the petitioner, two vacancies for the post of Junior Instructor (Dairyng) in the Industrial Training Department, which arose on 15.11.2010 and 04.05.2021, existed at the time of Annexure A1 judgment and the same can be discernible from Annexure A2 appointment chart dated 06.01.2025 issued by the KPSC and the petitioner is eligible for advice and appointment in the first vacancy. By failing to advise the petitioner in that vacancy, the respondent committed wilful disobedience of the judgment of this Court.



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3. On 09.04.2025, when this contempt case came up for admission, the learned Standing Counsel for KPSC entered appearance for the respondent. By the order dated 09.04.2025, this Court directed the respondent to report compliance on the next posting date.

4. On 20.05.2025, when this contempt case came up for consideration, noting the stay granted by the Apex Court, this Court closed the contempt case with liberty to reopen the proceedings, if so required, on the disposal of the case pending before the Apex Court. Thereafter, on 02.12.2025, as per order in I.A.No.1 of 2025, the contempt case was reopened, in view of the dismissal of the Special Leave Petition by the Apex Court. The Division Bench directed the respondent to comply with the directions in the judgment within a period of three weeks; if not, the respondent was directed to appear before this Court in person.

5. On 09.01.2026, when the matter was taken up for consideration, this Court noticed that an affidavit dated 13.12.2025 filed on behalf of the respondent was placed on record, producing therewith Annexures R1(a) and R1(b)



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documents. The document marked as Annexure R1(b) is an addendum notification issued by the KPSC in terms of the directions contained in the order dated 16.10.2019 of the Tribunal in O.A.No.1789 of 2017. The learned counsel for the petitioner then sought time to file an affidavit in reply.

6. On 28.01.2026, when this contempt case was taken up for consideration, since the KPSC has already taken a decision pursuant to the direction contained in Annexure A1 judgment by issuing Annexure R1(b) addendum/erratum notification, personal presence of the respondent is dispensed with for the time being.

7. The petitioner filed a reply affidavit dated 18.02.2025 to the counter affidavit filed on behalf of the respondent, producing therewith Annexure A3 document.

8. Heard the learned counsel for the petitioner, and the learned Standing Counsel for KPSC for the respondent.

9. The learned counsel for the petitioner would submit that the existence of vacancies was suppressed by the KPSC. The addendum notification was issued improperly placing the petitioner in the ranked list. By relying on the judgment of this



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Court in **Soumya M.R. v. State of Kerala [2018 (5) KHC 618]**, the learned counsel argued that even if the ranked list has expired, the vacancies reported prior to the expiry of the ranked list have to be filled from that ranked list. By relying on the judgment of the Apex Court in **Celir LLP v. Sumati Prasad Bafna [2024 KHC Online 6706]**, the learned counsel argued that mere inclusion in the ranked list is not sufficient for compliance with the directions in the judgment.

10. The learned Standing Counsel for the KPSC would submit that as per the direction in the order of the Tribunal, which was confirmed by this Court in Annexure A1 judgment, the direction was to accept the candidature of the petitioner by placing her at the appropriate place in the ranked list based on her performance in the selection process. In pursuance of that direction, the KPSC has issued Annexure R1(b) addendum notification wherein the petitioner was placed as rank No.3A. However, the petitioner will not get the appointment since the vacancy for her turn did not arise. There is no willful disobedience of the directions in the order passed by the Tribunal, which was



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confirmed in Annexure A1 judgment of this Court.

11. In **Soumya M.R. [2018 (5) KHC 618]**, this Court held thus:

“6. Vacancies to the post of H.S.A. (Malayalam) existed on the date of expiry of the ranked list on 17/07/2015 if the Staff Fixation Orders for the academic year 2015-16 take effect from 15/07/2015 though passed belatedly. The vacancies were reported by the Deputy Director to the PSC in time before 17/07/2015 which have to be filled from the ranked list which had not by then expired. The PSC has a duty to advise candidates even after the lapse of the ranked list provided the vacancies are reported to it during the period when the ranked list had life. The decision to that effect in Annie v. Commissioner, Chalakudy Municipality and others, 1984 KHC 115 : 1984 KLT 170 : 1983 KLJ 745 : 1984 KLN 98 : 1983 KLN 705 has been approved in Vimalakumari v. State, 1994 KHC 295 : 1994 (2) KLT 47 : 1994 (1) KLJ 773 : ILR 1994 (1) Ker. 213 which still holds the field. The Tribunal was therefore justified in disposing of O.A.(EKM) No. 642/2015 in terms of the interim order dated 15/07/2015 and refusing to review the same as sought by the petitioners”.

12. In **Celir LLP [2024 KHC Online 6706]**, the Apex Court, held thus:

“199. The contempt jurisdiction of this court cannot be



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construed by any formulaic or rigid approach. Merely because there is no prohibitory order or no specific direction issued the same would not mean that the parties cannot be held guilty of contempt. The Contempt jurisdiction of the court extends beyond the mere direct disobedience of explicit orders or prohibitory directions issued by the court. Even in the absence of such specific mandates, the deliberate conduct of parties aimed at frustrating court proceedings or circumventing its eventual decision may amount to contempt. This is because such actions strike at the heart of the judicial process, undermining its authority and obstructing its ability to deliver justice effectively. The authority of courts must be respected not only in the letter of their orders but also in the broader spirit of the proceedings before them.

200. Any contumacious conduct of the parties to bypass or nullify the decision of the court or render it ineffective, or to frustrate the proceedings of the court, or to enure any undue advantage therefrom would amount to contempt. Attempts to sidestep the court's jurisdiction or manipulate the course of litigation through dishonest or obstructive conduct or malign or distort the decision of the courts would inevitably tantamount to contempt sans any prohibitory order or direction to such effect.

201. Thus, the mere conduct of parties aimed at frustrating the court proceedings or circumventing its decisions, even without an explicit prohibitory order, constitutes contempt. Such actions interfere with the administration of justice,



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undermine the respect and authority of the judiciary, and threaten the rule of law.

202. However, at the same time, the power of contempt ought to be exercised sparingly and with caution and care. It operates with a string of caution and unless otherwise satisfied beyond doubt, it would neither be fair nor reasonable for the courts to resort to such powers. The standard of proof required before a person is held guilty of committing contempt of court must be beyond all reasonable doubt”.

13. From the rival submissions made at the Bar and from the materials placed on record, we notice that in pursuance of the directions in the order dated 16.10.2019 passed by the Tribunal in O.A.No.1789 of 2017, which was confirmed by this Court in Annexure A1 judgment, Annexure R1(b) addendum/erratum notification was published by the KPSC wherein the petitioner was included as rank No.3A. According to the respondent, the petitioner will not be entitled for placement, even if her inclusion in the ranked list was considered as on the date prior to the expiry of the original ranked list as her turn of vacancy did not arise.

14. From the order of the Tribunal, we notice that the direction to the KPSC in that order was only to accept the



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candidature of the petitioner and publish her result and include her in the ranked list published on 30.10.2017 on the basis of her performance in the selection process. The same has now been done by the KPSC. According to the KPSC, the vacancies for the turn of the petitioner have not arisen during the currency of the ranked list, and therefore she cannot seek advice for appointment on the basis of Annexure R1(b) addendum notification. The contention raised by the petitioner regarding the availability of a vacancy due to her turn as on the currency of the ranked list, is a disputed question that cannot be decided in a contempt case. If the petitioner has any grievance against Annexure R1(b) addendum/erratum notification dated 23.10.2025 issued by the KPSC, the remedy available to the petitioner is not a contempt case but to challenge the same in appropriate proceedings. The judgments in **Soumya M.R. [2018 (5) KHC 618]** and **Celir LLP [2024 KHC Online 6706]** deal with different issues and are therefore not applicable to the facts of the present contempt case.

Having considered the pleadings and materials placed on record and the submissions made at the Bar, especially Annexure



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R1(b) addendum/erratum notification dated 23.10.2025 issued by the KPSC, we find no ground to hold that the petitioner has made out a prima facie case of contempt by the respondent.

In the result, this contempt case stands closed.

Sd/-

ANIL K.NARENDRAN, JUDGE

Sd/-

MURALEE KRISHNA S., JUDGE

sks



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APPENDIX OF CON.CASE(C) NO. 935 OF 2025

PETITIONER ANNEXURES

Annexure A1 A TRUE COPY OF THE JUDGMENT IN OP (KAT) 178/2020 DATED 03-07-2024

Annexure A2 A TRUE COPY OF THE APPOINTMENT CHART NO. RLC-2/3412024 KPSC DATED 06-01-2025

RESPONDENT ANNEXURES

ANNEXURE R1(a) A true copy of the order in O.A.1789 of 2019 dated 16/10/2019

ANNEXURE R1(b) A true copy of the addendum notification issued by the Commission

PETITIONER ANNEXURES

Annexure A3 A true copy of relevant pages of SLP(C) No. 16024 of 2025 filed by the respondent before the Hon'ble Supreme Court of India on 7-4-2025