IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

&

THE HONOURABLE MR.JUSTICE MURALEE KRISHNA S.

FRIDAY, THE 23RD DAY OF OCTOBER 2026 / 1ST KARTHIKA, 1948

OP(KAT) NO. 106 OF 2024

AGAINST THE COMMON ORDER DATED 06.12.2023 OF THE KERALA ADMINISTRATIVE TRIBUNAL, ADDITIONAL BENCH AT ERNAKULAM

PETITIONER/APPLICANT:

VIMAL.T.V,
AGED 29 YEARS
S/O VIDHYADHARAN, RESIDING AT THOTTATHIL HOUSE,
PARAPPURAM P.O., KANJOOR, ALUVA, KERALA, PIN - 683575

BY ADVS.
SHRI.M.R.HARIRAJ (SR.)
SMT.ALINA ANNA KOSE
SMT.LAKSHMI.V.S
SMT.KARTHIKA GANESH
SMT.MYZA ALAN JOSE
SMT.POULY P.D.
SHRI.VISHNU PRASAD N.K.

RESPONDENTS/RESPONDENTS:

1 **STATE OF KERALA,**
REPRESENTED BY ADDITIONAL CHIEF SECRETARY TO GOVERNMENT OF KERALA, DEPARTMENT OF HOME,
THIRUVANANTHAPURAM, PIN - 695001

2 **DIRECTOR GENERAL AND STATE POLICE, CHIEF POLICE HEADQUARTERS, VAZHUTHECAUD, THIRUVANANTHAPURAM, PIN - 695014**

3 KERALA PUBLIC SERVICE COMMISSION, REPRESENTED BY SECRETARY, THIRUVANANTHAPURAM, PIN - 695004

4 R.S. NITHYAN, AGED 35 YEARS, S/O RAGHU, RESIDING AT PUSHPAM, NELLIKADU, SANTHIGIRI PO, KALIYAKODE VILLAGE, THIRUVANANTHAPURAM, PIN - 695589

SHRI.P.C.SASIDHARAN, SC, KPSC
SMT.ANN MARIA FRANCIS, GOVERNMENT PLEADER

THIS OP KERALA ADMINISTRATIVE TRIBUNAL WAS FINALLY HEARD ON 12.10.2026 ALONG WITH OP(KAT).107/2024, 116/2024, THE COURT ON 23.10.2026 PASSED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

&

THE HONOURABLE MR.JUSTICE MURALEE KRISHNA S.

FRIDAY, THE 23RD DAY OF OCTOBER 2026 / 1ST KARTHIKA, 1948

OP(KAT) NO. 107 OF 2024

AGAINST THE COMMON ORDER DATED 06.12.2023 OF THE KERALA ADMINISTRATIVE TRIBUNAL, ADDITIONAL BENCH AT ERNAKULAM

PETITIONERS/PETITIONERS/APPLICANTS 1-5, 7,11-13, 16-19,22-23,25,28,34-35,37-40 IN THE OA:

1 VIPINRAJ E.D, S/O EBANEEZAR. Y,
AGED 37 YEARS
RESIDING AT MANALAYATHPUTHEN VEEDU, MALAMUKAL,
KODUNGANOOR P.O., TRIVANDRUM, PIN - 695013

2 AKHIL ABRAHAM,
AGED 28 YEARS, S/O ABRAHAM, RESIDING AT AMBATTU HOUSE,
PUNNAKKAL P.O, THIRUVAMBADI, KOZHIKODE, PIN - 673603

3 SHIBIN SIDHEEK,
AGED 26 YEARS, S/O SIDHEEK. M, RESIDING AT TC 25/3609,
PRA T 50, TANKROAD, PULIMOODU GPO, THIRUVANANTHAPURAM,
PIN - 695001

4 SREELEKSHMI. S,
AGED 33 YEARS, W/O SANTHOSH KUMAR. S, RESIDING AT
CHAMAVILAPUTHENVEEDU, MAMOODE CHANDANATHOPE P.O.,
KOLLAM, PIN - 691014

5 PRAVEEN. R,
AGED 33 YEARS, S/O RAJAN PILLAI, RESIDING AT PRATHEESH
BHAVAN, MANKADUKADAKKAL P.O., KOLLAM, PIN - 691536

6 ARIF MUHAMMED R.S,
AGED 31 YEARS, S/O S.A RAHIM, RESIDING AT RS MANZIL, VANCHUVAM, CHULLIMANOOR P.O., NEDUMANGAD, TRIVANDRUM, PIN - 695541

7 MUKESH P.L,
AGED 35 YEARS, S/O PADMARAJ P.T., RESIDING AT MANCHADI, KOKOTHAMANGALAM, MUNDELA P.O., NEDUMANGAD, PIN - 695543

8 ARUN KUMAR B.S,
AGED 37 YEARS, S/O BALAN. T, RESIDING AT BINDU COTTAGE, KULAVUPARA, PANNIYODE P.O., TRIVANDRUM, PIN - 695575

9 NAVEEN G.R.,
AGED 35 YEARS, S/O P. GOPINATHANPILLAI, RESIDING AT THONDAMEHIKATHUVEEDU, PERUMON P.O., PERINAD, KOLLAM, PIN - 691601

10 ARUNKUMAR. J,
AGED 29 YEARS, S/O JAYAKUMAR. B, RESIDING AT TC 6/638 THURUVIKKAL P.O., PULAYANARKOTTAH, THIRUVANADAPURAM, PIN - 695011

11 MONILAL M. V,
AGED 31 YEARS, S/O VIJAYAN. S, RESIDING AT HARILAL, PERINGAMALAKALLIYOOR P.O.,, PIN - 695042

12 MAHESH P.L.,
AGED 32 YEARS, S/O PADMARAJ P.T., RESIDING AT MANCHADI, KOKOTHAMANGALAM, MUNDELA P.O., NEDUMANGAD, PIN - 695543

13 SIVAKUMAR. S, AGED 39 YEARS,
S/O SIVARAMAN, RESIDING AT KEEPPALLIL VILAYILPUTHEN VEEDU, ELIPPAKKULAM P.O., PALLICAKALKATTANAM, ALAPPUZHA (DIST)., PIN - 690503

14 NOVEEN M.S.,
AGED 29 YEARS, S/O MADHUSOODANANPILLAI. K, RESIDING AT AYANIKKATTU HOUSE, CHEMPOORMUDAKKAL P.O., ATTINGAL, PIN - 695103

15 VINOD. G,
AGED 38 YEARS, S/O GOPALAN, RESIDING AT KADACKALKIZHAKKATHIL, KESAVAPURAM, KARUNAGAPPALLY P.O., KOLLAM, PIN - 690518

16 SARATH. R,
AGED 31 YEARS, S/O RAJENDRAN, RESIDING AT SARATHNIVAS,ORUMANAGAR 21, MANNAMALA, KILIKOLLOOR P.O., KOLLAM, PIN - 691004

17 MANU PRASAD. M,
AGED 27 YEARS, S/O MADHU. P, RESIDING AT KAMBIYILNEER, KUNNAMVANDANAM P.O., ALAPPUZHA, PIN - 688005

18 DEEPAK JOHN P.B.,
AGED 35 YEARS, S/O JOHN, RESIDING AT PALLITHARAYIL, PARUTHANPARA, VILAPPILSHALA P.O., THIRUVANANTHAPURAM, PIN - 695573

19 SHAHIM. B,
AGED 32 YEARS, S/O BADISHA, RESIDING AT S S COTTAGE, VETTINAD, KONCHIRAP.O.,TRIVANDRUM, PIN - 695615

20 VISHNU VIJAYAN. M,
AGED 30 YEARS, S/O M. VIJAYAN, RESIDING IN KARTHIKAEREZHANORTH, CHETTIKULANGARA P.O., MAVELIKARA, PIN - 690106

21 VISHNU. S,
AGED 30 YEARS, S/O SHANMUGHAN. K, RESIDING AT VENDESSERIL, KANDALLOR SOUTH P.O., KAYAMKULAM, ALAPPUZHA, PIN - 690535

22 ASHIK ASOK,
AGED 32 YEARS, S/O ASOKAN C.R, RESIDING AT KOIPURATHUVEEDU, KAKKAKUNNU P.O., SOORANADU SOUTH, KOLLAM, PIN - 690522

23 AJITH SUKUMARAN,
AGED 37 YEARS, S/O SUKUMARAN RESIDING AT NANDANAMCHITTAYAM, PANAYAM PO, KOLLAM, PIN - 691601

BY ADVS.
SHRI.M.R.HARIRAJ (SR.)

SMT.ALINA ANNA KOSE
SMT.LAKSHMI.V.S
SMT.KARTHIKA GANESH
SMT.MYZA ALAN JOSE
SMT.POULY P.D.
SHRI.VISHNU PRASAD N.K.

RESPONDENTS/RESPONDENTS/RESPONDENTS AND APPLICANTS 6, 8-10,14-15,20-21,24,26-27, 29-33,36 IN OA :

1 **STATE OF KERALA, REPRESENTED BY SECRETARY TO GOVERNMENT OF KERALA, DEPARTMENT OF HOME, THIRUVANANTHAPURAM, PIN - 695001**

2 **STATE POLICE CHIEF, POLICE HEADQUARTERS, VAZHUTHECAUD, THIRUVANANTHAPURAM, PIN - 695014**

3 **KERALA PUBLIC SERVICE COMMISSION, REPRESENTED BY SECRETARY, THIRUVANANTHAPURAM, PIN - 695004**

4 **ADARSH. R. KUMAR, AGED 28 YEARS. S/O D. RAJANAKUMAR, RESIDING AT MALAYATHUMELEPUTHENVEEDU, MALAYAM P.O., TRIVANDRUM, PIN - 695571**

5 **JAIVISHNU, AGED 26 YEARS, S/O JAI KUMAR. S, RESIDING AT SANTHABHAVAN, MAHADEVASWARAM, KILIMANOOR P.O., TRIVANDRUM, PIN - 695601**

6 **ANOOP SREEDHAR, AGED 38 S/O, SREEDHAR ZING RESIDING AT VERNAL BHAVAN, MEDICAL COLLEGE P.O., KOZHIKODE, PIN - 673008**

7 **ATHUL RAJ, AGED 26 YEARS, S/O B.P RAJAN, RESIDING AT KOTTARATHILVEEDU, VILAKKUDY P.O., KUNNICODE, KOLLAM, PIN - 691508**

8 **AKSHAY R. S., AGED 27 YEARS, S/O RADHAKRISHNAN. T, RESIDING AT VRINDAVAN, EDAMONNILA, VETTIYARA P.O, NAVAIKULAM, THIRUVANANTHAPURAM, PIN - 695603**

9 BINIL CHANDRAN. B,
AGED 30 YEARS, S/O BALACHANDRAN PILLAI. G, RESIDING AT B C NIKETHAN, CHERUMOODU VELLIMON P.O., KOLLAM, PIN - 691511

10 ANJU M.R.,
AGED 33 YEARS, D/O G. MANNAN PILLAI, RESIDING AT KADOORMELATHIL, KUZHIMATHICADU P.O., KOLLAM, PIN - 691509

11 JISHNU K.P, AGED 32 YEARS,
S/O KARTHIKEYAN, RESIDING AT JYOTHISH BHAVANAM, ADINADU SOUTH, KATTILKADAVU (P.O.), KARUNAGAPPILLY, KOLLAM, PIN - 690542

12 SAJAD. A,
AGED 27 YEARS, S/O ABDUL SALIM, RESIDING AT SSNIVAS, P.V. SOUTH, EDAKULANGARA P.O., KARUNAGAPPLLY, KOLLAM, PIN - 690523

13 SACHINKUMAR. S,
AGED 30 YEARS, S/O SATHEESHKUMAR, RESIDING AT MUTTYPANDAKASALA, PALLITHOTTAM P.O., KOLLAM, PIN - 691006

14 HARUN LAL. S,
AGED 36 YEARS, S/O K. SURENDRAN, RESIDING AT CHAITHANYA VADAKKUMTHALA EAST P.O., KARUNAGAPPALLY, KOLLAM, PIN - 690536

15 ARUN. S,
AGED 27 YEARS, S/O SAJEEV KUMAR. J, RESIDING AT JAGANATHA VILASOM, PATTATHANAM P.O., KOLLAM, PIN - 691021

16 AJISH J.S.,AGED 35 YEARS,
S/O G. JOHNNALLATHANKAM, RESIDING AT KOTTARATHIL, NEAR RUSSELPURAM PUBLIC LIBRARY, RUSSELPURAM P.O., THIRUVANANTHAPURAM, PIN - 695501

17 HAJRABEEVI M.R,
AGED 33 YEARS, D/O ABDUL RASHEED, RESIDING AT M S MANZIL, PANANVILA HOUSE, PANANVILA, NALANCHIRA P.O., THIRUVANANTHAPURAM, PIN - 695015

18 ANAND BABU,
AGED 26 YEARS, S/O BABUKUTTANPILLAI. B, RESIDING AT ANANDAM, CHORANADUVADAMON P.O., ANCHAL, PIN - 691306

19 SAI THEJ R.S,
AGED 27 YEARS, S/O RATHEESH KUMAR C.K., RESIDING AT SAI KRIPA, MATHILIL P.O., KOLLAM, PIN - 691601

20 HEMANTH. H,
AGED 33 YEARS, S/O HARIDAS. M, RESIDING AT VILAYIL, CHOOLATHERUVE P.O., MUTHUKULAM NORTH, ALAPPUZHA, PIN - 690506

BY ADVS.

SHRI.P.C.SASIDHARAN, SC, KPSC

SMT.ANN MARIA FRANIS, GOVERNMENT PLEADER

THIS OP KERALA ADMINISTRATIVE TRIBUNAL WAS FINALLY HEARD ON 12.10.2026 ALONG WITH OP(KAT).106/2024, 116/2024, THE COURT ON 23.10.2026 PASSED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

&

THE HONOURABLE MR.JUSTICE MURALEE KRISHNA S.

FRIDAY, THE 23RD DAY OF OCTOBER 2026 / 1ST KARTHIKA, 1948

OP(KAT) NO. 116 OF 2024

AGAINST THE COMMON ORDER DATED 06.12.2023 OF THE KERALA ADMINISTRATIVE TRIBUNAL, ADDITIONAL BENCH AT ERNAKULAM

PETITIONERS/APPLICANTS 1, 3-4, 6-10,14-15,17, 21-22,24-25 IN OA:

1 ANAS C.P,
AGED 31 YEARS
S/O MOHAMMEDALI C.P, RESIDING AT CHATHAM PULAKKAL HOUSE, PARANNEKKAD, TIRUR P.O., MALAPPURAM, PIN - 676101

2 SIDRA S DAS,
AGED 27 YEARS, D/O SIVADAS. K, RESIDING AT VALIYAMUTTAM (HO), ELAMANNAM, THENKURISSI (PO), PALAKKAD, PIN - 678671

3 JINSHA C.R,
AGED 29 YEARS, D/O RAJESH C.B, RESIDING AT CHEMBAN HOUSE, VATANAPPALLY BEACH P. O, THRISSUR, PIN - 680614

4 MANU K.M,
AGED 36 YEARS, S/O MANOHARAN K.A., RESIDING AT KADAVIL HOUSE, CHEROOR P.O., THRISSUR, PINCODE, PIN - 680008

5 AJAY M.A.,
AGED 29 YEARS, S/O V.N APPUKUTTAN, RESIDING AT AJAYBHAVAN (H) THALAYOLAPARAMBU P.O, KOTTAYAM, PINCODE-, PIN - 686605

6 JISHNU K.V,
AGED 29 YEARS, S/O VIJAYAN, RESIDING AT KADAKKAPARAMBIL HOUSE, VETTIKKATTIRI P.O., THRISSUR, PINCODE-, PIN - 679531

7 VISHNU SOMAN,
AGED 28 YEARS, S/O O.R. SOMAN, RESIDING AT OLICKAL HOUSE, KATTAPPANA P.O., KATTAPPANA, IDUKKI, PINCODE, PIN - 685508

8 JAYAJYOTHISH R. R,
AGED 31 YEARS, S/O RAJAGOPALAN, RESIDING AT EDACHERIPOYIL, CHELIYA (PO), KOZHIKODE, PINCODE-, PIN - 673306

9 SREEVISHAK,
AGED 27 YEARS, S/O SREEKUMAR, RESIDING AT VIMALA VILASAM, KANCHIYAR P.O., PEZHUMKANDAM, IDUKKI, PINCODE, PIN - 685511

10 SANEESH V.V.,
AGED 35 YEARS, S/O SADANANDAN, RESIDING AT SURABHI HOUSE, KIZHAKKUMMURI P.O., KAKKODI VIA KOZHIKODE, PINCODE-, PIN - 673611

11 FEBIN ELDHOSE,
AGED 29 YEARS, S/O M.Y ELDHOSE, RESIDING AT MEKKATTUMOLATHU (H), KADAYIRUPPU (PO), KOLENCHERY, PINCODE, PIN - 682311

12 BIJU KUNJACHAN,
AGED 33 YEARS, S/O J. KUNJACHAN, RESIDING AT KALAROTTUTHARA HOUSE THOTTUVATHALA P.O., KAINAKARY, ALAPPUZHA-, PIN - 688501

13 REJIN T.R,
AGED 29 YEARS, S/O T. N RAJAN RESIDING AT THATTARUKUDY HOUSE, PANICHAYAM, NEDUGAPRA P.O., ERNAKULAM, CODE-, PIN - 683545

14 SYAM. C,
AGED 34 YEARS, S/O CHANDRASEKHARANPILLAI, RESIDING AT SREESYLAM, VARANAM P.O., CHERTHALA, ALAPPUZHA, PINCODE-, PIN - 688555

15 MUHAMMED MUHSIN,
AGED 29 YEARS, S/O MOOSAKUTTY HAJI, RESIDING AT PULIKKAPARAMBIL HOUSE, IRINGAVOOR P.O., PINCODE-, PIN - 676103

BY ADVS.
SHRI.M.R.HARIRAJ (SR.)
SMT.ALINA ANNA KOSE
SMT.LAKSHMI.V.S
SMT.KARTHIKA GANESH
SMT.MYZA ALAN JOSE
SMT.POULY P.D.
SHRI.VISHNU PRASAD N.K.

RESPONDENTS/RESPONDENTS AND APPLICANTS 2,5,11-13,16,18-20,23,26-31 IN OA:

1 STATE OF KERALA,
REPRESENTED BY ADDITIONAL CHIEF SECRETARY TO GOVERNMENT OF KERALA, DEPARTMENT OF HOME, THIRUVANANTHAPURAM-, PIN - 695001

2 STATE POLICE CHIEF,
POLICE HEADQUARTERS, VAZHUTHECAUD, THIRUVANANTHAPURAM- PIN - 695014

3 KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY SECRETARY, THIRUVANANTHAPURAM-, PIN - 695004

4 SARATH. S,
AGED 31 YEARS, S/O SASIDHARAN N.K, RESIDING AT VADAKKEMANIKOTH P.O., PAYYOLI, KOZHIKODE, PINCODE-, PIN - 673522

5 JOMIN JOHN,
AGED 25 YEARS, S/O N. A. JOHN, RESIDING AT NIRAVATH HOUSE, MONIPPALLY P.O., KOTTAYAM, PINCODE-, PIN - 686636

6 ASWANTH T.C,
AGED 24 YEARS, S/O DAMODHARAN, RESIDING AT THIYYAKKANDICHALIL HOUSE, KANNADIPOYIL P.O., BALUSSERY VIA KOZHIKODE, PINCODE-, PIN - 673612

7 ROHITH V RAJ,
AGED 27 YEARS, S/O VARADARAJANPILLAI, RESIDING AT RAJBHAVAN, PERINGILPURAM P.O., MAVELIKKARA, ALAPPUZHA, PINCODE-, PIN - 689624

8 SREERAM. V,
AGED 26 YEARS, S/O S. VIJAYARAGHAVAN, RESIDING AT CHINMAYA, PILAPUZHA, HARIPAD, ALAPPUZHA, PINCODE-, PIN - 690514

9 UVAISALUNGAL,
AGED 27 YEARS, S/O SIDDEEQUEALUNGAL, RESIDING AT ALUNGAL HOUSE, VAZHAKKOD, PANG POST, MALAPPURAM, PINCODE-, PIN - 679338

10 MITHUN K.R.,
AGED 29 YEARS, S/O RAJAN P.K., RESIDING AT KATTAPPURATH, KAIPPATTOOR P.O., ERNAKULAM, PINCODE-, PIN - 682313

11 RAHUL S.R.,
AGED 36 YEARS, S/O S.S. RADHAKRISHNAN, RESIDING AT 14/2730, SREENARAYANAPURATH, PALLURUTHY, COCHIN-, PIN - 682006

12 DINESH. A.,
AGED 36 YEARS, S/O C. AYYAPPAN, RESIDING AT VELLARAMPARAMBIL HOUSE VANIAMKULAM POST, PALAKKAD -, PIN - 679522

13 DEEPU T. S,
AGED 33 YEARS, S/O T.J. SAMUEL, RESIDING AT THANNIKUNNEL HOUSE, PUTHENCHANTHA P.O., VAKATHANAM, KOTTAYAM, PINCODE, PIN - 686538

14 JITHIN RAJ K.N,
AGED 24 YEARS, S/O RAJAN K.N., RESIDING AT KOTTAKALATHIL (H), PARUTHIKKAD,VALLIKUNNU P.O., MALAPPURAM, PINCODE –, PIN - 673314

15 SEBASTIAN P.C.,
AGED 30 YEARS, S/O CHRISTOPHER, RESIDING AT PUTHENPURACKAL, THIRUVAMPADY P.O., BEACH WARD, ALAPPUZHA, PINCODE-, PIN - 688002

16 MUHAMMAD SAMJID. K,
AGED 26 YEARS, S/O ABDUSSALAM, RESIDING AT KANNOTH HOUSE, NARIPPATTA ,NARIPPATTA P.O., KALLACHI VIA KOZHIKODE, PINCODE-, PIN - 673506

17 BASIL MATHEW,
AGED 29 YEARS, S/O N.V MATHAI, RESIDING AT NJATTUMKALAYIL HOUSE, PATTIMATTOM P.O., PATTIMATTOM, ERNAKULAM, PINCODE-, PIN - 683562

18 MUHAMMAD ARSHAD KANNATEENTAVIDA,
AGED 26 YEARS, S/O ABOOBACKER, RESIDING AT KANNATEENTAVIDA (HO), IYYAMKODE P.O., NADAPURAM, KOZHIKODE, PINCODE-, PIN - 673504

19 AMRUTHA. M.,
AGED 30 YEARS, D/O KRISHNAN NAIR, RESIDING AT MANAYATH, THIRUVANGOOR, KOYILANDY, KOZHIKODE-, PIN - 673308

SHRI.P.C.SAIDHARAN, SC, PSC
SMT.ANN MARIA FRANCIS, GOVERNMENT PELADER

THIS OP KERALA ADMINISTRATIVE TRIBUNAL WAS FINALLY HEARD ON 12.10.2026 ALONG WITH OP(KAT).107/2024, 106/2024, THE COURT ON 23.10.2026 PASSED THE FOLLOWING:

COMMON JUDGMENT

Muralee Krishna, J.

These original petitions are filed by the petitioners, who are the applicants in the respective original applications before the Kerala Administrative Tribunal at Ernakulam as well as Thiruvananthapuram (the 'Tribunal', for short), invoking the supervisory jurisdiction of this Court under Article 227 of the Constitution of India, challenging the impugned common order dated 06.12.2023 passed by the Tribunal in those original applications, along with some other similar original applications. For convenience of reference, the parties and documents are referred in this judgement as they were referred in the impugned order of the Tribunal, unless otherwise stated.

2. The Kerala Public Service Commission ('PSC' for short) by Annexure A1 Notification dated 30.12.2019 invited application for the post of Sub Inspector of Police (Trainee) to the Kerala Civil Police, in the Police Department of the Kerala State Government by direct recruitment from three categories such as (i) open market (category No.388/ 2019), (ii) Graduate Ministerial Staff in

the Police and Vigilance Department, with two years service (category No.389/2019), and, (iii) Graduate Police Constables, Head Constables and officers of corresponding rank in the Police and Vigilance Department (constabulary wing) (category No.390/2019). The last date for receipt of the application was 05.02.2020. The petitioners-applicants in these original petitions are candidates who applied under the open market (category No.388/2019). Clause 8 in Annexure A1 notification contains the tentative schedule for conduct of O.M.R. test (main written test) as June-July 2020 and physical efficiency test as November-December 2020. Therefore, by virtue of Annexure A1 notification, only the main written examination and physical efficiency test were contemplated for selection of the eligible candidates.

2.1. Later, by Annexure A6 notification dated 11.08.2020, the PSC amended the Kerala Public Service Commission Rules of Procedure, 2020 (‘Rules of Procedure’ for short) by incorporating Rule 2A, which reads thus;

> "2A. The Commission shall have the power to conduct Preliminary Screening Test and to shortlist candidates who

could be permitted to appear for the Rule 3 Examination. The marks secured by the candidates in the Preliminary Screening Test will not be counted for the final ranking. The Commission shall have the liberty to fix different cut off marks for various reserved categories in the Preliminary Screening Test to ensure their representation among the candidates eligible to appear for the examinations prescribed under Rule 3. Relaxation in marks given at the preliminary stage will not have any impact in determining the final ranking"

2.2. Thus, the PSC introduced a common preliminary examination for the candidates who applied for selection to 42 different posts under different departments, with respect to different notifications published by the PSC. The common preliminary examination for the candidates whose applications were successfully received was held on two days, that is, on 30.10.2021 and 13.11.2021. Subsequently, Annexure A2 eligibility list dated 29.07.2022 was notified by the PSC, wherein 6338 candidates who were found eligible to appear for the main written examination under the open market (category No.388/2019) were included. It was specifically mentioned in the eligibility list that selection for inclusion in the eligibility list was

made based on the cut-off marks obtained in the common preliminary examination.

2.3. Being aggrieved by their non-inclusion in Annexure A2 eligibility list, the petitioners-applicants filed the respective original applications before the Tribunal, invoking the provision under Section 19 of the Administrative Tribunals Act, 1985, challenging Annexure A2 eligibility list to the extent it excludes the petitioners-applicants. For easy understanding of the reliefs sought in the original applications, the reliefs in O.A.No.1699 of 2022 are extracted hereunder.

> "(i) To call for the records leading to Annexure A2 and quash the same to the extend it excludes the applicants.
>
> (ii) To declare that the number of candidates to be included in the eligibility list for appearing in the main examination should be fixed on a just, fair, rationale and non-discriminatory criteria and to direct the 3rd respondent to fix and publish such criteria and to include candidates in the eligibility list for selection pursuant to Annexure A1 based on such criteria before proceeding further with selection pursuant to Annexure A1.
>
> (iii) To direct the respondent No.3 to expand the list of eligible candidates for appearing in the main examination

pursuant to Annexure A1 so as to include the applicants also in the list and permit them to appear in the mains examination.

(iv) To direct respondents to conduct selection to the category of SI (T) (KCP) every year limiting the actual recruitment pursuant to each notification to vacancies reported on the date of notification and published in the notification.

(iv(a)) To declare that Annexure A7 is ultravires and that the applicants are entitled to be considered for selection as Sub Inspector of Police (KCP) without insisting on any qualification beyond that which is prescribed under Annexure A1 and direct Respondent to consider the Applicant accordingly.

(iv)(b) To declare that the main examination conducted on 22.12.2022 without permitting the Applicant to appear in the same is illegal and void and to direct Respondents not to make any selection to SI KCP based on the same".

3. The PSC filed reply statements in the majority of the original applications, including in O.A.No.1699 of 2022 and O.A.(EKM)No.1410 of 2022. In the reply statements, the PSC justified the amendment incorporated by way of Rule 2A to the Rules of Procedure.

4. When the original applications came up for consideration,

the Tribunal passed an interim order dated 16.11.2022 directing the PSC to defer the conduct of the main written examinations scheduled on 22.12.2022, until further orders. The said interim order was challenged by the PSC in O.P.(KAT)No.380 of 2022 and connected cases filed before this Court. By the judgment dated 18.11.2022 in O.P.(KAT)No.380 of 2022 and connected cases, this Court modified the interim order dated 16.11.2022 passed by the Tribunal, making it clear that while the PSC can proceed with the selection process of the main examination scheduled on 22.12.2022, the conduct of the said examination, and continuation with the further selection proceedings thereafter, shall be subject to final order of the Tribunal in the pending original applications. It was also clarified by this Court that nothing contained in that judgment shall be construed as an expression of views on the merits of the cases pending before the Tribunal. All the contentions were left open to be considered by the Tribunal at the time of hearing the original applications.

5. When PSC proceeded with the selection process and published the ranked list, the applicant in O.A. (EKM)No.1410 of

2022 sought an interim order of stay of the operation of the ranked list and further action of the PSC by filing M.A. (EKM)No.1305 of 2023. In view of the judgment in O.P.(KAT)No.380 of 2022 and connected cases, the Tribunal declined interim relief in that interlocutory application. Though the applicant in O.A. (EKM) No.1410 of 2022 took up the matter before this Court by filing O.P.(KAT)No. 440 of 2023, this Court did not interfere with the order of the Tribunal on finding that it may not be justified in interfering with the process initiated for training of the advised candidates, since the interest of the applicant was already protected by the judgment in O.P.(KAT)No.380 of 2022 and connected cases. It was further clarified by this Court that the training proposed for the selected candidates will be subject to the outcome of the decision which may be taken by the Tribunal.

6. After hearing both sides and on appreciation of materials on record, the Tribunal, by the impugned common order dated 06.12.2023, dismissed the original applications. It would be appropriate to extract paragraphs 21 to 33 and the last paragraph

of that order, which read thus;

> "21. The foremost question arising for decision based on the rival contentions is, as to whether the PSC had the power, jurisdiction or authority to conduct the 'common preliminary examination' and to publish the Eligibility List based on the cut-off marks fixed. Admittedly, Rule 2A of the Procedure Rules was not there in existence at the time when Annexure A1 Notification was published, or even as on the last date stipulated for receipt of applications. It is also not in dispute that there was no mention in the notification with respect to such 'common preliminary examination', proposed as part of the selection.
>
> 22. The question no more remains res integra. The Hon'ble Supreme Court as early as in the year 2008 had occasion to deal with the issue. In **B.Ramakichenin @ Balagandhi vs. Union of India and others [(2008) 1 SCC 362 : 2008 KHC 4100]** it was held that, the selection body can resort to any short listing procedure. While examining the correctness of a decision of the Hon'ble High Court of Madras, it is pointed out that, the High Court was of the view that there was no irrationality or illegality in the method of selection adopted by the UPSC. In that case, in the advertisement published by the UPSC, there was a mention that, where the number of applications received are large and it wilt not be convenient or possible for the Commission to interview all of the candidates, the Commission may

restrict the number of candidates to a reasonable limit on the basis of, either the qualifications or experience higher than the minimum prescribed, or on the basis of experience in the relevant field, or by holding a screening test. While deciding the issue the Hon'ble Supreme Court referred to two of it's earlier precedents, **Madhya Pradesh Public Service Commission vs. Navnit Kumar Potdar and another [(1994) 6 SCC 293) and Government of Andhra Pradesh vs. P.Dilip Kumar and another [(1993) 2 SCC 310]**. Based on the dictum remaining settled in those decisions it was held that, even if there is no Rule providing for a short listing nor any mention in the advertisement calling for applications, the selection body can resort to a short listing procedure if there are large number of eligible candidates who apply; and when it is not possible for the authority to interview all of them. The Apex Court illustrated an example that if for one or two posts there are more than 1000 applications received from eligible candidates, it may not be possible to interview all of them. In such situation the procedure for short listing can be resorted to by the selection body, even though there is no mention of short listing in the Rules or in the advertisement. However, in **Ramakichenin's** case (supra) the Hon'ble Apex Court found that, when the UPSC had prescribed a specific method for such short listing, it cannot resort to any method other than what was prescribed. Therefore the decision of the High Court of Madras was reversed.

23. In a Full Bench decision of the Hon'ble High Court of Kerala in **Ravidas vs. Public Service Commission [2009 (2) KLT 295 (FB)]** the dictum contained in **Ramakichenin's** case (supra) was followed. The Full Bench observed that, principle that emerges from the decision of **Ramakichenin** which followed in **Madhya Pradesh Public Service Commission's case** (supra) and **P.Dilip Kumar's** case (supra) is that, the PSC does not have the authority to lay down a criteria for selection unless it is specifically authorised in that behalf by the Rules governing the selection. However, power of the PSC to shortlist candidates to be called for the interview based on marks secured by them in the written examination, which precedes the interview, was recognised. It is also mentioned that the Apex Court had approved that a screening test can be conducted to short list candidates but only through the method advertised if such method is specifically prescribed.

24. The Hon'ble Supreme Court in the decision in **Andhra Pradesh Public Service Commission vs. Baloji Badhavath and others [(2009 5 SCC 1: 2009 (KHC) 4567**] found that, preliminary examination is not part of the main examination. Merits of the candidates are not judged thereby. Only an eligibility criterion is fixed. Such a test must be held to be necessary for the purpose of judging basic eligibility of the candidates. How and in what manner the State as also the Commission would comply with the constitutional requirements of Article 335 should not

ordinarily be allowed to be questioned. It is held that, unless the procedure adopted by the PSC is held to be arbitrary or against the known principles of fair play, the superior courts would not ordinarily interfere therewith.

25. In a more recent decision of the Hon'ble Supreme Court in **Ajith Kumar P. and others vs. Remin K.R and others [(2015) 16 SCC 778: 2015 KHC 4695],** after analysing the procedure contained in Rule 3 and 4 of the Kerala Public Service Commission Rules of Procedure, it was found that even though the Commission had decided to hold a written examination followed by an oral test, in view of the large number of applications received, the Commission thought it fit to short list candidates who could be permitted to appear for the Rule 3 examination (main written examination) by conducting a preliminary examination for all the 42000 applicants. There the question agitated was as to whether the Commission was right in enhancing the number of candidates by lowering the cut-off marks in the 'Eligibility Test', for including enough number of candidates for filling up of the reserved categories. Conclusions arrived by the Hon'ble High Court of Kerala that the preliminary examination for shortlisting of candidates who would be eligible to take part Rule 3 examination has no statutory basis, was found to be erroneous by the Apex Court. It was categorically held that, neither the Kerala State and Subordinate Service Rules nor the Rules of Procedure of the Commission contemplates such a preliminary examination.

But it was observed that, the Hon'ble Supreme Court had recognised existence of a legal authority to conduct a preliminary examination wherever an unmanageably large number of applications are received for filling up a limited number of posts, through the decisions in **Baloji Badhavath (supra)** and in **Dudilla Srinivasa Sharma and others vs. V.Chrysolite [(2013) 16 SCC 702: 2013 KHC 497].** It was held that, 'ranked list' referred to Rule 14(e) of the Kerala State and Subordinate Service Rules and in Rule 4 of the Kerala Public Service Commission Rules of Procedure, contemplates only a list prepared pursuant to Rule 3 examination. A preliminary screening test is outside the purview of Rule 3 examination. Irrespective of the content of Rule 14 (e) of the Kerala State and Subordinate Service Rules or 3rd proviso to Rule 4 of the Procedure Rules of PSC, these Rules can have no application in the context of preparation of short listing pursuant to a preliminary examination.

26. On the basis of the legal position remaining settled as enumerated above, this Tribunal is of the considered opinion that, it cannot be held that conduct of the preliminary examination for the purpose of shortening the number of candidates who can be permitted to appear in the main written examination was without power and authority. The power and authority of the PSC to conduct the 'common preliminary examination' for the purpose of reducing the number of candidates, even without mentioning the same in

the Notification published and even without there being a specific Rule contained in the Rules of Procedure, cannot be negatived in view of the legal position remaining settled.

27. Further question arising is with respect to sustainability of the common preliminary examination conducted, based on other challenges raised. As pointed out, the 'common preliminary examination' was conducted as a common test with respect to 42 different posts advertised (notified) for different Departments in the State Government service. The PSC had conducted such 'common preliminary examination' as a "Degree Level Examination', which means that the general qualification stipulated for all such posts is the graduation. But as contended by the applicants, scope of the duties attached to each post and the knowledge, intelligence and aptitude required for discharging the duties attached to such different posts are clearly distinct from each other. With respect to certain posts in certain Departments, like the Sub Inspector of Police and other similar posts 'physical qualifications' as well as 'physical efficiency' assumes much importance. In Annexure A1 Notification, while prescribing the 'physical qualifications' it is specified that taller persons will be given preference. Likewise it is a matter of common knowledge that, those who possess any additional qualification in the subject of law may be a better candidate suitable for appointment to the post. In a similar manner, among all the remaining 41 posts in other Departments, different specified qualifications

need to be given weightage. In some cases proficiency of candidates in sports/games need to be given weightage. It is true that the marks obtained in the 'common preliminary examination' will not be reckoned for deciding the ranking position. But the eligibility for contesting in the selection is decided based on securing the cut-off marks fixed in the preliminary examination. Fixation of the cut-off mark is based on a criteria depending on the total. number of candidates to be permitted for writing the main written examination. Therefore there is merit in the contention that, candidates possessing any additional qualifications which is more suitable for the post, might have been eliminated due to non-securing of the cut-off mark fixed. However, this Tribunal is not persuaded to accept the contention that, by introduction of the 'common preliminary examination', the PSC had introduced a new criteria in the 'basic qualifications'. It cannot in any manner be construed as introduction of a new qualification. On the other hand, as found earlier, it is only a preliminary screening test introduced in order to reduce the number of candidates who can be permitted to contest in the 'main written examination'.

28. Another contention raised is against permitting of the candidates who does not possess the required physical qualification to participate in the preliminary examination. As argued by the applicants, the 'physical qualifications' and the 'physical efficiency' stipulated under Annexure A1

Notification are clearly distinct and different. The 'physical qualifications' are the basic criteria of physique which a candidate needs to possess in order to make him/her eligible to apply for the selection. A candidate who does not possess the required 'physical qualifications' is not entitled to apply to the post. On the contrary, 'physical efficiency' is a test conducted as part of the selection, in order to assess the physical capacity or physical strength of a candidate. All the candidates are obliged to prove the 'physical efficiency' by performing at least 5 items out of 8 items of sports, within the prescribed parameters. In such a context the argument that those who do not fulfil the 'physical qualifications' were also permitted to participate in the 'common preliminary examination' assumes importance. In such a situation definitely there is a chance that those who do not possess the requisite physical. qualification also might have cleared the preliminary examination. Resultantly there is a chance that other candidates who had not secured the minimum cut-off marks, were denied of opportunity to contest in the selection. In other words, if the unqualified candidates were not included in the Eligibility List, there was a chance to get the cut-off marks reduced which would have enabled inclusion of more candidates, probably the inclusion of the applicants, as well. The said argument assumes importance on the context that the candidates were not required to submit even any Medical Certificate to the extent of certifying their physical qualifications of their Height,

Chest measurement or Chest expansion. The applicants have pointed out that the Commission had subsequently introduced the requirement for production of Certificates obtained from notified authorities with respect to the physical measurements, to be uploaded along with the applications. The applicants pointed out a subsequent Circular issued by the PSC with respect to the selections notified subsequent to Annexure-A1. But it is pointed out that such an insistence was not there in the selection which is the subject matter of dispute herein.

29. Another contention raised is on the basis that, certain preferences and weightages were provided to candidates possessing special qualifications. It is illustrated that, weightage was provided for distinguished sportsmen/sportswomen and to tall persons. But conducting of the 'common preliminary examination' for 42 different posts of different Departments, each of which may be having different preferences and weightages, for the purpose of reducing the number of candidates who can contest in the selection process is quiet unscientific a method followed by the PSC. This, according to the applicants, had resulted in denial of opportunity to them to contest in the selection by appearing for the main written examination.

30. As discussed above, This Tribunal is convinced that there are some irregularities and unreasonableness occurred in the conduct of a common preliminary examination as a

scrutiny test, for reducing the number of candidates appearing in the main. written examination. This is especially because the preliminary examination was conducted as a common test for 42 posts together and those candidates who might not have. possessed the basic physical qualifications were permitted to participate in the common preliminary examination; and to the extent of denying opportunities to candidates possessing preferential qualifications for which weightage is provided under the Notification. But the crucial question to be decided is as to whether the Eligibility List impugned herein is liable to be set aside for those reasons. Even though the scope of judicial review in the process or methodology adopted for selection by the PSC is very limited, this Tribunal might have been justified in such interference based on the unreasonable or irregular conduct of the selection process, if it had resulted in denial of selection to any eligible candidate or in case it had resulted in denial of equal opportunity of participation to any of the candidates. But in the case at hand, the above narrated contentions are only hypothetical in nature. The applicants could not prove with any facts or figures or with any specific illustrations that any particular. number of identifiable candidates who does not possess the physical qualifications were included in the Eligibility List. Nor the applicants could prove with any precision that any of the candidates screened out for appearing in the main written examination, was not

possessing any additional or special qualifications, which any of the applicants are possessing, to make them more suitable for being selected to the post in question. Therefore the Tribunal is not inclined to set aside the Eligibility List impugned, especially in view of the fact that the selection process was already completed and the ranked list was already published.

31. Another contention is regarding insufficiency of the number of candidates included in the impugned Eligibility List. Argument is based on the allegation that number of candidates included in the list will not be sufficient to cater the need to fill up the vacancies which will be reported, during validity of the ranked list. There is attack against the method or criteria adopted by the PSC in fixing the number of candidates to be included in the Eligibility List. The PSC had defended those contentions by relying upon their own Circulars and also based on specific decisions taken in this regard, for which according to them there exists discretion vested upon the PSC. It is to be noticed that the post in question is a 'Trainee Post'. with respect to which the ranked list will be having validity of only one year. The ranked list was already published and the advices and appointments were already completed. The applicants could not produce any materials before this Tribunal to establish that there occurred any dearth in the number of candidates ultimately included in the ranked list, in order to cater advices against the number of vacancies reported or arose during the

validity period of the ranked list. Therefore we do not find any substantive materials to have any interference with the selection based on the above said contention.

32. Even though technical, the PSC as well as the contesting party respondents have raised a contention on the locus standi of the applicants herein to challenge the common preliminary examination conducted, after having been participated in the said test. It is pointed out that, after notifying the 'common preliminary examination', the applicants had participated in the said test without any protest and only after the results were announced and only when it was found that they were not selected and included in the Eligibility List, they have chosen to challenge the examination itself. It is argued based on settled law that, a person who had consciously participated in the test/interview cannot turn around and challenge the selection process. The above dictum was repeatedly emphasized through various decisions of the Hon'ble Supreme Court from the year 1995 onwards. In **Madan Lal v. State of J & K [(1995) 3 SCC 486] i**t is held that, if a candidate takes a calculated chance and appears in the interview, then only because the result is not palatable to him, he cannot turn round and subsequently contend that the process of interview was unfair. In **K.H. Siraj v. High Court of Kerala [(2006) 6 SCC 395]** it was held that, having participated in the interview it is not open to the appellant/petitioner to turn round thereafter when they

failed, that the provision of a minimum mark in the interview was not proper. Same legal principle was reinforced in the decisions of the Hon'ble Apex Court in, **Union of India v. Vinodh Kumar [(2007) 8 SCC 100]** and in **Sadananda Halo v. Momtaz Ali Sheikh [(2008) 4 SCC 619]**. In a recent decision of the Hon'ble Supreme Court in **Anupal Singh and Others v. State of Uttar Pradesh [(2020) 2 SCC 173]**, after referring to all the above rulings it was held that, having consciously participated in the selection process one cannot turn around and challenge the same. This Tribunal is of the considered opinion that, contention of the respondents in this regard need to be accepted and the challenge raised in the Original Applications need to be held as not sustainable on the question of locus standi of the applicants.

33. While declining interference in the selection process which is remaining completed by discarding the contentions based on the discussions and findings contained herein above, this Tribunal is prompted to deprecate the practice being followed by the PSC in conducting 'Preliminary Screening Tests' contemplated under Rule 2A of the Procedure Rules, as a 'Common Preliminary Examination' for more than one post notified with respect to different Departments/Services, which according to this Tribunal will result in having undue advantage to less meritorious candidates and will result in disadvantage in the selection to more meritorious and suitable candidates for the post in

question. So also it is observed that in order to ensure more fairness and reasonableness in the selection, process, the verifications with respect to possession of the basic physical qualification of the candidates, wherever insisted upon, need to be made before conduct of the 'Preliminary Scrutiny Test', in order to ensure fair chances in the selection process to candidates who possess those physical qualification by avoiding unqualified candidates from being competing with the qualified candidates. This Tribunal expresses the hope that necessary corrections will be introduced by the Public Service Commission in the future selections.

Subject to the observations contained herein above, the Original Applications are hereby dismissed."

7. Being aggrieved by the dismissal of the original applications, the petitioners are now before this Court with these original petitions.

8. Heard Sri. M. R. Hariraj, the learned Senior Counsel for the petitioners-applicants, Sri. P. C. Sasidharan, the learned Standing Counsel for the PSC, and Smt. Ann Maria Francis, the learned Government Pleader.

9. The learned Senior Counsel for the petitioners-applicants argued that, by the amendment brought to the Rules of Procedure by way of Annexure A6 notification, an additional qualification was

prescribed for selection to the post, in addition to the qualifications prescribed in Annexure A1 notification. The exercise of excluding an individual from participating in the selection is not shortlisting. Shortlisting presumes creation of a list for which selection is to be made. Preliminary examination is not such an exercise. The Tribunal ought to have found that the action on the part of the PSC after Annexure A1 notification by way of Annexure A6 amendment to the Rules of Procedure is one without jurisdiction.

10. On the other hand, the learned Standing Counsel for the PSC argued that it is within the prerogative of the PSC to conduct a preliminary screening test when a large number of candidates have applied for the post, with a view to cut short the practical difficulty in conducting the examination. In support of his arguments, learned Standing Counsel relied on the judgments of the Apex Court in **Andhra Pradesh Public Service Commission v. Baloji Badhavath [(2009) 5 SCC 1]** and **Ajithkumar P v. Remin K.R [(2015) 16 SCC 778]**.

11. The learned Government Pleader also supported the aforesaid argument of the learned Standing Counsel for the PSC.

12. Article 227 of the Constitution of India deals with the power of superintendence over all courts by the High Court. Under clause (1) of Article 227 of the Constitution, every High Court shall have superintendence over all courts and tribunals throughout the territories in relation to which it exercises jurisdiction.

13. In **Estralla Rubber v. Dass Estate (Pvt.) Ltd [(2001) 8 SCC 97]**, the Apex Court held thus;

> "The scope and ambit of exercise of power and jurisdiction by a High Court under Art.227 of the Constitution of India is examined and explained in number of decisions of this Court. The exercise of power under this Article involves a duty on the High Court to keep inferior courts and tribunals within the bounds of their authority and to see that they do duty expected or required by them in a legal manner. The High Court is not vested with any unlimited prerogative to correct all kinds of hardship or wrong decisions made within the limits of the jurisdiction of the courts subordinate or tribunals. Exercise of this power and interfering with the orders of the courts or tribunal is restricted to cases of serious dereliction of duty and flagrant violation of fundamental principles of law or justice, where if High Court does not interfere, a grave injustice remains uncorrected. It

> is also well settled that the High Court while acting under this Article cannot exercise its power as an appellate court or substitute its own judgment in place of that of the subordinate court to correct an error, which is not apparent on the fact of the record. The High Court can set aside or ignore the findings of facts of inferior court or tribunal, if there is no evidence at all to justify or the finding is so perverse, that no reasonable person can possibly come to such a conclusion, which the court or Tribunal has come to."

14. In **Shalini Shyam Shetty v. Rajendra Shankar Patil [(2010) 8 SCC 329]** the Apex Court, while analysing the scope and ambit of the power of superintendence under Article 227 of the Constitution, held that the object of superintendence, both administrative and judicial, is to maintain efficiency, smooth and orderly functioning of the entire machinery of justice in such a way as it does not bring it into any disrepute. The power of interference under Article 227 is to be kept to the minimum to ensure that the wheel of justice does not come to a halt and the fountain of justice remains pure and unpolluted in order to maintain public confidence in the functioning of the tribunals and courts subordinate to the High Court.

15. In **Jai Singh v. Municipal Corporation of Delhi [(2010) 9 SCC 385]**, while considering the nature and scope of the powers under Article 227 of the Constitution of India, the Apex Court held that, undoubtedly the High Court, under Article 227 of the Constitution, has the jurisdiction to ensure that all subordinate courts, as well as statutory or quasi-judicial tribunals exercise the powers vested in them, within the bounds of their authority. The High Court has the power and the jurisdiction to ensure that they act in accordance with the well-established principles of law. The exercise of jurisdiction must be within the well-recognised constraints. It cannot be exercised like a 'bull in a china shop', to correct all errors of the judgment of a court or tribunal, acting within the limits of its jurisdiction. This correctional jurisdiction can be exercised in cases where orders have been passed in grave dereliction of duty or in flagrant abuse of fundamental principles of law or justice.

16. In **K.V.S. Ram v. Bangalore Metropolitan Transport Corporation [(2015) 12 SCC 39]** the Apex Court held that, in exercise of the power of superintendence under Article 227 of the

Constitution of India, the High Court can interfere with the order of the court or tribunal only when there has been a patent perversity in the orders of the tribunal and courts subordinate to it or where there has been gross and manifest failure of justice or the basic principles of natural justice have been flouted.

17. In **Sobhana Nair K.N. v. Shaji S.G. Nair [2016 (1) KHC 1]** a Division Bench of this Court held that, the law is well settled by a catena of decisions of the Apex Court that in proceedings under Article 227 of the Constitution of India, this Court cannot sit in appeal over the findings recorded by the lower court or tribunal and the jurisdiction of this Court is only supervisory in nature and not that of an appellate court. Therefore, no interference under Article 227 of the Constitution is called for, unless this Court finds that the lower court or tribunal has committed manifest error, or the reasoning is palpably perverse or patently unreasonable, or the decision of the lower court or tribunal is in direct conflict with settled principles of law.

18. In view of the law laid down in the decisions referred to supra, the High Court, in exercise of its supervisory jurisdiction

under Article 227 of the Constitution of India, cannot sit in appeal over the findings recorded by a lower court or tribunal. The supervisory jurisdiction cannot be exercised to correct all errors of the order or judgment of a lower court or tribunal, acting within the limits of its jurisdiction. The correctional jurisdiction under Article 227 can be exercised only in a case where the order or judgment of a lower court or tribunal has been passed in grave dereliction of duty or in flagrant abuse of fundamental principles of law or justice. Therefore, no interference under Article 227 is called for, unless the High Court finds that the lower court or tribunal has committed manifest error, or the reasoning is palpably perverse or patently unreasonable, or the decision of the lower court or tribunal is in direct conflict with settled principles of law or where there has been gross and manifest failure of justice or the basic principles of natural justice have been flouted.

19. Annexure A1 notification for the selection to the post of Sub Inspector of Police (Trainee) to the Kerala Civil Police in the Police Department of the State Government was published on 30.12.2019. In Annexure A1 notification, the scheme of selection

consists of a main written examination in the form of an O.M.R. test and the physical efficiency test. Subsequently, by Annexure A6 notification dated 11.08.2020, Rule 2A was incorporated in the Rules of the Procedure, empowering the PSC to conduct a preliminary screening test and shortlist candidates who could be permitted to appear for the written examination. However, it was made clear in Rule 2A itself that the marks secured in the preliminary screening test will not be counted for the final ranking. It was to cut short the number of candidates who would appear for the main examination, the aforesaid Rule was introduced by the PSC.

20. In **Baloji Badhavath [(2009) 5 SCC 1]** where the Government order issued by the State of Andhra Pradesh, providing that the candidates who had applied for Group - I services in the State comprising of Deputy Collectors, Commercial Tax Officers, Assistant Prohibition and Excise Superintendents, Assistant Commissioner of Labour, Deputy Superintendent of Police would be short listed based on a preliminary examination (Screening Test) in the ratio of 1:50 to the total number of

vacancies available at the material time irrespective of community, came up for consideration, the Apex Court held thus;

> "25**.** How the Commission would judge the merit of the candidates is its function. Unless the procedure adopted by it is held to be arbitrary or against the known principles of fair play, the superior courts would not ordinarily interfere therewith. The State framed Rules in the light of the decision of the High Court in *S. Jaffer Saheb* [(1985) 2 APLJ 380]. Per se, it did not commit any illegality. The correctness of the said decision, as noticed hereinbefore, is not in question having attained finality. The matter, however, would be different if the said Rules per se are found to be violative of Article 16 of the Constitution of India. Nobody has any fundamental right to be appointed in terms of Article 16 of the Constitution of India. It merely provides for a right to be considered therefor. A procedure evolved for laying down the mode and manner for consideration of such a right can be interfered with only when it is arbitrary, discriminatory or wholly unfair.
>
> xxx xxx
>
> 29. Indisputably, the preliminary examination is not a part of the main examination. The merit of the candidate is not judged thereby. Only an eligibility criterion is fixed. The papers for holding the examination comprise of general studies and mental ability. Such a test must be held to be necessary for the purpose of judging the basic eligibility of

> the candidates to hold the tests. How and in what manner the State as also the Commission would comply with the constitutional requirements of Article 335 of the Constitution of India should ordinarily not be allowed to be questioned". (Underline supplied)

21. In **Ajithkumar P [(2015) 16 SCC 778],** where in the challenge was on the decision of the PSC to relax cut - off marks with respect to reserved category candidates to the posts of Sub-Inspector (Trainee), the Apex Court held thus;

> "19. In our opinion, the conclusion reached by the High Court is erroneous. The preliminary examination for shortlisting candidates who would be eligible to take the Rule 3 examinations has no statutory basis. Neither the Kerala S&S Rules nor the Rules of Procedure contemplate such preliminary examination. However, this Court recognised [*A.P. Public Service Commission* v. *Baloji Badhavath*, (2009) 5 SCC 1 : (2009) 1 SCC (L&S) 999] [*Duddilla Srinivasa Sharma* v. *V. Chrysolite*, (2013) 16 SCC 702 : (2014) 3 SCC (L&S) 277] existence of a legal authority to conduct a preliminary examination wherever an unmanageably large number of applications are received for filling up a limited number of posts. Rule 14(*e*) of the Kerala S&S Rules and Rule 4 of the Rules of Procedure relied upon by the High Court refer to "ranked list" — a defined expression under Rule 2(*g*) of the Rules of Procedure. Such

> "ranked list" is prepared only pursuant to the Rule 3 examinations. A preliminary screening test is outside the purview of the Rule 3 examinations. Therefore, irrespective of the content of Rule 14(*e*) of the Kerala S&S Rules or the third proviso to Rule 4 of the Rules of Procedure relied upon by the High Court, these Rules can have no application in the context of preparation of a "shortlist" pursuant to a preliminary examination". (Underline supplied)

22. In the instant case, as noticed hereinabove, Rule 2A of the Rules of Procedure incorporated by Annexure A6 notification is not challenged by the petitioners-applicants in the original applications. From the above extracted portion of the impugned order dated 06.12.2023 passed by the Tribunal, we notice that the Tribunal had taken into consideration all the contentions raised by the parties in the respective original applications and arrived at a finding that no sufficient ground has been made out to grant the reliefs sought in the original applications.

Having considered the pleadings and materials on record and the submissions made at the Bar, in the light of the judgments referred to supra, we find no illegality or impropriety in the impugned order dated 06.12.2023 passed by the Tribunal which

necessitates interference by exercising supervisory jurisdiction under Article 227 of the Constitution of India.

In the result, these original petitions stand dismissed.

Sd/-

ANIL K.NARENDRAN, JUDGE

Sd/-

sks **MURALEE KRISHNA S., JUDGE**

APPENDIX OF OP(KAT) NO. 106 OF 2024

PETITIONER ANNEXURES

Annexure A1	**A TRUE COPY OF NOTIFICATION TO CATEGORY NUMBER 388/2019 DATED 30/12/2019.**
Annexure A2	**TRUE COPY OF NOTIFICATION EL.NO.:17/2022/ ERXIII FOR CATEGORY NO. 388/2019 DATED 29/7/2022 PUBLISHED BY 3RD RESPONDENT.**
AnnexureA3	**TRUE COPY OF CRITERIA OF STANDARDISATION PUBLISHED BY THE 3RD RESPONDENT COMMISSION.**
Annexure A4	**TRUE COPY OF APPLICATION FILED UNDER RTI AND ITS REPLY LETTER NO. IDS-II (3)/2864/2022/GW DATED 26.08.2022.**
Annexure A5	**TRUE COPY OF APPLICATION FILED UNDER RTI AND ITS REPLY LETTER NO. IDS-II (2)/3007/2022/GW DATED 01.09.2022.**
Annexure A10	**A TRUE COPY OF NOTIFICATION NO- A5-2/50/2019-KPSC DATED 11/08/2020**
Annexure A11	**A TRUE COPY OF THE CIRCULAR NUMBER 06/2018 DATED 16/07/2018**
Annexure A 12	**TRUE COPY OF THE DOCUMENT BEARING NUMBER 517703(2/2021/UFR II KPSC HO) PRODUCED BY THE PUBLIC SERVICE COMMISSION ACROSS THE BAR ALONG WITH RETYPED COPY.**
Annexure A13	**A TRUE COPY OF THE DECISION OF KPSC DATED 31/01/2022**
Annexure A14	**A TRUE COPY OF G.O(MS) NO. 26/2022/P&ARD DATED 27/11/2022.**
Annexure A6	**A TRUE COPY OF THE RESPONSE UNDER THE RIGHT TO INFORMATION ACT BEARING NO. IDS-II(2)/3330/2022/GW DATED 6/10/2022**
Annexure A7	**A TRUE COPY OF THE RELEVANT PORTION OF THE PUBLIC SERVICE COMMISSION BULLETIN, VOLUME 33, ISSUE NO. 12.**
Annexure A8	**A TRUE COPY OF THE PRINTOUT FROM THE WEBSITE OF PSC ASSESSED ON 15/10/2022.**
Annexure A9	**A TRUE COPY OF THE CHELLAN FOR PAYMENT OF FEE SUBMITTED BY THE APPLICANT**
Annexure A15	**A TRUE COPY OF NOTIFICATION NOTIFICATION EL 134/2023/ER1 DATED 21.07.2023 OF THE KERALA PUBLIC SERVICE COMMISSION.**

Exhibit P1	**A TRUE COPY OF THE FINAL ORDER DATED 06/12/2023 IN OA 1410/2022 ON THE FILES OF THE KERALA ADMINISTRATIVE TRIBUNAL**
Exhibit P2	**THE TRUE COPY OF THE AMENDED ORIGINAL APPLICATION 1410/2022 DATED 10/01/2023 ALONG WITH ITS ANNEXURES**
Exhibit P3	**TRUE COPY OF THE REPLY STATEMENT DATED 05/10/2022 FILED ON BEHALF OF KERALA PUBLIC SERVICE COMMISSION**
Exhibit P4	**TRUE COPY OF REJOINDER DATED 21/10/2022 FILED BY THE APPLICANTS IN THE ORIGINAL APPLICATION**
Exhibit P5	**TRUE COPY OF THE ADDITIONAL REPLY STATEMENT DATED 1/03/2023 FILED ON BEHALF OF KERALA PUBLIC SERVICE COMMISSION**
Exhibit P6	**TRUE COPY OF MISCELLANEOUS APPLICATION DATED 24/07/2023 FILED BY THE APPLICANTS IN THE ORIGINAL APPLICATION**
Exhibit P7	**ARGUMENT NOTES SUBMITTED BY THE COUNSEL FOR THE APPLICANT BEFORE THE HONOURABLE KERALA ADMINISTRATIVE TRIBUNAL**

APPENDIX OF OP(KAT) NO. 107 OF 2024

PETITIONER ANNEXURES

Annexure A1	**A TRUE COPY OF NOTIFICATION TO CATEGORY NUMBER 388/2019-390/2019 DATED 30/12/2019**
Annexure A2	**A TRUE COPY OF NOTIFICATION EL.NO.:17/2022/ERXIII FOR CATEGORY NO. 388/2019 DATED 29/7/2022**
Annexure A3	**A TRUE COPY OF CRITERIA OF STANDARDISATION PUBLISHED BY THE 3RD RESPONDENT COMMISSION**
Annexure A4	**TRUE COPY OF REPLY LETTER NO. IDS-II (3)/2864/2022/GW DATED 26.08.2022**
Annexure A5	**TRUE COPY OF REPLY LETTER NO. IDS-II (2)/3007/2022/GW DATED 01.09.2022**
Annexure A6	**A TRUE COPY OF NOTIFICATION NO- A5-2/50/2019-KPSC DATED 11/08/2020.**
Annexure A7	**A TRUE COPY OF THE CIRCULAR NUMBER 06/2018 DATED 16/07/2018**
Annexure A8	**TRUE COPY OF THE DOCUMENT BEARING NUMBER 517703(2/2021/UFR II KPSC HO) PRODUCED BY THE PUBLIC SERVICE COMMISSION ACROSS THE BAR. ALONG WITH RETYPED COPY**
Annexure A9	**A TRUE COPY OF THE DECISION OF KPSC DATED 31/01/2022**
Annexure A10	**A TRUE COPY OF G.O(MS) NO. 26/2022/P&ARD DATED 27/11/2022.**
Exhibit P1	**A TRUE COPY OF THE FINAL ORDER DATED 06/12/2023 IN OA 1699/2022 ON THE FILES OF THE KERALA ADMINISTRATIVE TRIBUNAL**
Exhibit P2	**THE TRUE COPY OF THE AMENDED APPLICATION 1699/2022 DATED 9/1/2023 ALONG WITH ITS ANNEXURES**
Exhibit P3	**TRUE COPY OF THE REPLY STATEMENT DATED 18/03/2023 FILED ON BEHALF OF KERALA PUBLIC SERVICE COMMISSION**

APPENDIX OF OP(KAT) NO. 116 OF 2024

PETITIONER ANNEXURES

Annexure A1	**A TRUE COPY OF NOTIFICATION TO CATEGORY NUMBER 388/2019 DATED 30/12/2019.**
Annexure A2	**TRUE COPY OF NOTIFICATION EL.NO.:17/2022/ ERXIII FOR CATEGORY NO. 388/2019 DATED 29/7/2022.PUBLISHED BY 3RD RESPONDENT.**
Annexure A3	**A TRUE COPY OF CRITERIA OF STANDARDISATION PUBLISHED BY THE 3RD RESPONDENT COMMISSION.**
Annexure A4	**TRUE COPY OF APPLICATION FILED UNDER RTI AND ITS REPLY LETTER NO. IDS-II (3)/2864/2022/GW DATED 26.08.2022.**
Annexure A5	**TRUE COPY OF APPLICATION FILED UNDER RTI AND ITS REPLY LETTER NO. IDS-II (2)/3007/2022/GW DATED 01.09.2022.**
Annexure A6	**A TRUE COPY OF NOTIFICATION NO- A5-2/50/2019-KPSC DATED 11/08/2020**
Annexure A7	**A TRUE COPY OF THE CIRCULAR NUMBER 06/2018 DATED 16/07/2018.**
Annexure A8	**TRUE COPY OF THE DOCUMENT BEARING NUMBER 517703(2/2021/UFR II KPSC HO) PRODUCED BY THE PUBLIC SERVICE COMMISSION ACROSS THE BAR-ALONG WITH ITS TYPED COPY.**
Annexure A9	**A TRUE COPY OF THE DECISION OF KPSC DATED 31/01/2022.**
Annexure A10	**A TRUE COPY OF G.O(MS) NO. 26/2022/P&ARD DATED 27/11/2022**
Exhibit P1	**A TRUE COPY OF THE FINAL ORDER DATED 06/12/2023 IN OA 1671/2022 ON THE FILES OF THE KERALA ADMINISTRATIVE TRIBUNAL**
Exhibit P2	**THE TRUE COPY OF THE AMENDED ORIGINAL APPLICATION 1671/2022 ALONG WITH ITS ANNEXURES**