

Ushakumari K Vs. State of Kerala

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Court : Kerala

Decided On : Aug-01-2013

Judge : Honourable Mr.Justice C.T.Ravikumar

Appellant : Ushakumari K

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE C.T.RAVIKUMAR THURSDAY, THE 1ST DAY OF AUGUST 2013 10TH SRAVANA, 1935 WP(C).No. 15201 of 2013 (R) ----- PETITIONER(S): ----- USHAKUMARI K. MANCHERY HOUSE, PURUVALATHUPARAMBA, P.O.IRIKUR KANNUR-670 503. BY ADV. SRI.P.SREEKUMAR RESPONDENT(S): ----- 1. STATE OF KERALA REPRESENTED BY THE SECRETARY, HOME DEPARTMENT GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001 2. HIGH COURT OF KERALA, REPRESENTED BY REGISTRAR GENERAL HIGH COURT OF KERALA, ERNAKULAM-31.

3. THE REGISTRAR (RECRUITMENT AND COMPUTERISATION) SECRETARY, MUNSIFF-MAGISTRATE RECRUITMENT COMMITTEE HIGH COURT OF KERALA, ERNAKULAM-31. R2,R3 BY ADV. SRI.KRB.KAIMAL (SR.), SC R2,R3 BY ADV. SRI.B.UNNIKRISHNA KAIMAL,SC R1 BY GOVERNMENT PLEADER THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01-08-2013,

THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C).No. 15201 of 2013 (R) ----- APPENDIX PETITIONER(S)' EXHIBITS ----- P1: COPY OF THE NOTIFICATION DTD.21.3.2013 PUBLISHED BY THE 3RD RESPONDENT. P2 : COPY OF THE INTIMATION DTD.4.6.2013 ISSUED BY THE 3RD RESPONDENT. P3 : COPY OF THE INTIMATION DTD.4.6.2013 ISSUED BY THE 3RD RESPONDENT. P4 : COPY OF THE INTERIM ORDER DTD.11.5.2012 IN WPC NO.10989/2012. P5 : COPY OF JUDGMENT DTD.7.6.2012 IN WPC NO.10989/2012. RESPONDENT(S)' EXHIBITS:NIL ----- //TRUE COPY// P.A.TO JUDGE C.T. RAVIKUMAR, J.

===== W.P.(C). No.15201 OF 2013.===== Dated this the 1st day of August, 2013
JUDGMENT This writ petition has been filed on being aggrieved by the rejection of the application submitted by the petitioner for appointment to the post of Munsiff-Magistrate under the Kerala Judicial Service in pursuance of Ext.P1 notification. It was rejected on the ground that the petitioner had failed to sign on the photograph affixed on the application. The contention of the petitioner is that rejecting the application for the said failure is an extreme step and therefore, it is liable to be interfered. To buttress the said contention, the learned counsel for the petitioner relied on Ext.P5 judgment of this Court in W.P.(C).Nos.10989 of 2012 and 10991 of 2012. In the case of the petitioners therein, under similar circumstances, attributing same defects, their applications were rejected. Ultimately, after consideration of all the aspects, this Court disposed of the said writ petitions with a direction to the respondents to process their W.P.(C).15201/13 2 candidature as if they had submitted valid applications. There is no case for the respondents that the said judgment was subsequently, interfered with in appeal and that the petitioners were not permitted to participate in the selection process. In the circumstances, I am of the view that in the light of Ext.P5 judgment, this writ petition can disposed of, on the same lines. In this case, on the strength of the interim order passed by this Court, the petitioner was permitted to appear for the written examination held on 23.6.2013 after proper identification. The very purpose of affixing photographs is to identify the concerned candidate as the person who responded to the concerned notification. Since the petitioner was identified and

was permitted to appear for the examination, I am of the view that the said failure on the part of the petitioner cannot be a reason for treating her application as invalid, especially, in the light of Ext.P5 judgment. In the circumstances, this writ petition is disposed of with a direction to the respondents to treat the application submitted by the petitioner as valid and to proceed to publish the result of the petitioner along with the other candidates based on her performance in the preliminary written examination. The entitlement of the petitioner for W.P.(C).15201/13 3 participating in the rest of the selection process would depend on the result of the preliminary examination. Sd/- C.T. RAVIKUMAR (JUDGE) spc/
W.P.(C).15201/13 4 C.T. RAVIKUMAR, J.

JUDGMENT September,2010 W.P.(C).15201/13 5 C.T. RAVIKUMAR, J.

JUDGMENT W.P.(C).15201/13 6 September,2010

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