

IN THE HIGH COURT OF KERALA AT ERNAKULAM**PRESENT****THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS****&****THE HONOURABLE MR. JUSTICE C. JAYACHANDRAN****TUESDAY, THE 11TH DAY OF JULY 2023 / 20TH ASHADHA, 1945****OP(KAT) NO. 195 OF 2022****AGAINST THE ORDER/JUDGMENTOA (EKM) 1268/2020 OF KERALA ADMINISTRATIVE
TRIBUNAL, THIRUVANANTHAPURAM****PETITIONER/S:**

- 1 MR. SHALU VARGHESE,
AGED 37 YEARS
S/O.M.M.VARGHESE, AGED 37 YEARS, RESIDING AT A & D APARTMENT,
1ST FLOOR, PALLIPARAMBU LANE, PONNOTH ROAD, KALoor, KOCHI,
PIN - 682017
- 2 MS.PRABITHA.C.,
AGED 33 YEARS
D/O.C.PRABHAKARAN, CHAITHRAM HOUSE, MAKKARA PARAMBU,
MALAPPURAM DISTRICT,, PIN - 676507
BY ADVS.
P.MARTIN JOSE
P.PRIJITH
THOMAS P.KURUVILLA
R.GITESH
AJAY BEN JOSE
MANJUNATH MENON
SACHIN JACOB AMBAT
ANNA LINDA V.J
HARIKRISHNAN S.
S.SREEKUMAR (SR.)

RESPONDENT/S:

- 1 THE STATE OF KERALA
REPRESENTED BY THE CHIEF SECRETARY GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
- 2 THE PRINCIPAL SECRETARY,
THE DEPARTMENT OF LAW, NEAR DARBAR HALL SECRETARIAT
THIRUVANANTHAPURAM REPRESENTED BY THE SECRETARY, PIN - 695001
- 3 THE KERALA PUBLIC SERVICE COMMISSION,
THULASI HILLS, PATTOM PALACE P.O., THIRUVANANTHAPURAM
REPRESENTED BY ITS SECRETARY, PIN - 695004
BY ADVS.
GOVERNMENT PLEADER
SHRI.P.C.SASIDHARAN, SC, KPSC

OTHER PRESENT:

SRI. K.P. HARISH-SR. GP

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING COME UP FOR ADMISSION ON 11.07.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ALEXANDER THOMAS. & C. JAYACHANDRAN, JJ.

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(Arising out of the order dated 18.05.2022 in OA(Ekm) No.1268/2020 of the KAT, Addl. Bench Ekm)

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Dated this the 11th day of July, 2023

J U D G M E N T

Alexander Thomas, J

The afore captioned Original Petition instituted under Articles 226 & 227 of the Constitution of India is directed against the impugned Ext.P21 final order rendered on 18.05.2022 by the Kerala Administrative Tribunal, Ernakulam Bench in OA(Ekm) No.1268/2020. The petitioners herein are the applicants are the applicants in the OA and the respondents herein are the respondents in the OA.

2. Heard Sri.S.Sreekumar, learned Senior Counsel instructed and assisted by Sri.Thomas.P.Kuruvila, learned Counsel appearing for the petitioners herein, Sri.K.P.Harish, learned Senior Government Pleader appearing for official respondents 1 & 2 herein and Sri.P.C.Sasidharan, learned Standing Counsel appearing for R3 herein.

3. The prayers in the instant Ext.P1 Original Application, OA(Ekm) No.1268/2020 filed by the petitioners herein before the Kerala Administrative Tribunal, Ernakulam Bench are as follows:

“(i) To direct the 2nd respondent to notify at least 125 vacancies to the post of Legal Assistant (Grade II) in the Law Department (Government Secretariat), Government of Kerala to the 3rd respondent expeditiously and at any rate within a time limit to be prescribed by this Tribunal.

(ii) Direct the 3rd respondent to fill the vacancies that arose in the post of Legal Assistant (Grade II) in the Law Department (Government Secretariat), Government of Kerala during the years 2016-2017 from Annexure A2 ranklist.

(iii) To direct the 3rd respondents to extend the validity of Annexure A2 ranklist in view of the COVID 19 pandemic.

(iv) To direct the 3rd respondent to make appointments to the vacant posts of Legal Assistant (Grade II) in the Law Department (Government Secretariat), Government of Kerala within a time limit to be fixed by this Tribunal.

(v) Direct the respondents to treat the vacancies that may arise in 2021, 2022, 2023 as anticipated vacancies and fill the same from Annexure A2 ranklist.

(vi) Issue such other directions or orders as this Tribunal deem fit and proper in the facts and circumstances of the case, in the interest of justice.

4. The Tribunal after hearing both sides, has rendered the impugned Ext.P10 final verdict, dismissing the OA, on the ground that the factual case of the applicant that there exists more vacancies than those that have already been reported by the appointing authority to the PSC, is factually not correct and that 93 advises have already been made from Annexure A2 ranklist dated 25.09.2017, which has expired on 24.09.2020 and that all substantive vacancies reported by the appointing authority to the PSC during the currency of the ranklist has already been duly advised. Hence, the Original Petition has been dismissed.

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5. We have heard both sides in extenso and have considered the rival pleadings and materials on record. In the instant case, the petitioners claim to be candidates who have responded to Annexure A1 selection notification dated 19.06.2013 issued by the respondent Kerala Public Service Commission for selection and appointment to the post of Legal Assistant Grade II, Law Department, Government of Kerala. According to the petitioners, they have participated in the selection process and have been included in Annexure A2 ranklist dated 25.09.2017 finalized by the respondent Public Service Commission, which has expired on 24.09.2020. Further that the present OA had been filed by the petitioners before the Tribunal on 20.08.2020. Further, as per the interim prayer made by the petitioners, the Tribunal has passed interim order dated 18.09.2020, directing the respondent State Government to provisionally report 60 vacancies of Legal Assistant Grade II to the respondent PSC before the expiry of the ranklist on 24.09.2020. It appears to be common ground that the respondent State Government has provisionally reported 60 such vacancies in the post of Legal Assistant Grade II, to the respondent PSC, and the said provisional requisition has reached the Office of the PSC before the expiry of the ranklist on 24.09.2020.

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It is the specific case of the respondent State Government that there were no such substantive vacancies for being so reported, but the respondent State Government has only complied with the interim direction of the Tribunal and the report of vacancy has been made provisionally and subject to the result of the OA. The main case of the petitioners is that the cadre strength in the post of Legal Assistant Grade II should be actually reckoned as 122 posts, going by the matters referred to in Annexure A11 previous verdict of the Tribunal rendered on 30.01.2013 in OA No. 915/2012 which was in relation to the previous ranklist dated 07.06.2010. Further that, even going by the admitted case of the respondent State Government and the respondent PSC, only 93 advices have been made from Annexure A1 ranklist and that therefore atleast 29 more vacancies (cadre strength being reckoned as 122 posts – 93 advices made from the present ranklist = 29 vacancies), should have been reported by the respondent State Government to the PSC. That since on the basis of the interlocutory direction, the appointing authority has already reported 60 vacancies provisionally to the PSC, which has reached the respondent PSC Office before the expiry of the ranklist, these 29 vacancies should be treated as substantive vacancies and should be

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adjusted as against these 60 vacancies so provisionally reported and that therefore, on this premise, Sri.S.Sreekumar, learned Senior Counsel instructed by Sri.Thomas P. Kuruvila, learned Counsel appearing for the petitioners would urge before this Court that this Court may set aside the verdict of the Tribunal and may issue a mandamus directing the respondent PSC to advice 29 more vacancies from Annexure A2 ranklist and that 29 vacancies should be determined as substantive vacancies existing prior to the expiry of ranklist on 24.09.2020.

6. Whereas the specific case of the respondent State Government is that the cadre strength in the post of Legal Assistant Grade I and Assistant Legal Officer has been fixed as 93 posts and not 123 posts as urged by the petitioners. Further that, it is specifically mandated in Annexure R2(b) GO(MS) No.82/2016/Law dated 18.05.2016 that the internal ratio of Legal Assistant Grade II, Legal Assistant Grade I and Assistant Legal Officer is 1:1:1 and therefore out of the total 93 posts for these 3 categories, 31 posts are set apart as the cadre strength of Legal Assistant Grade II, 31 posts are also set apart as the authorized cadre strength of Legal Assistant Grade I and

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the balance 31 posts are also fixed as the cadre strength of the next higher category post of Assistant Legal Officer. In other words, the specific case of the respondent State Government is that, on and with effect from the promulgation of Annexure R2(b) GO(Ms) No.82/2016/Law dated 18.05.2016, the cadre strength of all the three categories is only 93 posts, out of which the specific cadre strength authorized by the Government in respect of Legal Assistants Grade II is only 31 posts. Hence, it is urged by the Senior Government Pleader that the factual reference made in Annexure A11 previous verdict of the Tribunal as if the cadre strength should be reckoned as 122 posts does not have any relevance, since A11 was rendered on 30.01.2013, whereas Annexure R2(b) GO was issued subsequently on 18.05.2016 and that the cadre controlling authority who has the sole and exclusive power to fix the cadre strength is the respondent State Government etc.

7. After hearing both sides, we note that no challenge has been mounted by the petitioners as against the legality and correctness of Annexure R2(b) GO dated 18.05.2016. There cannot be any two views that the sole cadre controlling authority within whose sole province is the authority to fix the cadre strength, is the

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respondent State Government. The respondent State Government has fixed the total cadre strength of all the three categories as 93 posts and that of Legal Assistants Grade II as 31 posts. Therefore, we cannot proceed on the premise that the cadre strength should be reckoned as 122 posts as urged by the petitioners, merely because there is a factual reference in that regard in Annexure A11 verdict rendered by the Tribunal in respect of the previous year selection process that was closed long ago.

7. There is no dispute that the appointing authority has already reported various vacancies before the commencement of the ranklist and during the currency of the ranklist and altogether 93 advices have already made by the respondent PSC to the post of Legal Assistant Grade II by advising candidates who are included in Annexure A2 ranklist dated 25.09.2017, whose maximum lifespan has expired on 24.09.2020. Further, we also note that the Apex Court has also not appreciated the process of mechanically reporting vacancies at the instance of interim orders passed in judicial proceedings as can be seen from a reading of paragraph No.26 of the decision of the Apex Court in **Director of Indian Systems of Medicine & Another v. Dr.Susmi C.P. & Another** (SLP (C) No.24214-24221/2019) rendered

on 08.12.2021 reported in [2021 SCC Online SC 1188] which reads as follows:

26. "It, is therefore, as against vacancies that are reported to the KPSC, that the candidates have some semblance of a right. However, as far as those not reported are concerned, the candidates cannot claim a right per se. It is possible that in given situations, the state may be lethargic, or even may not wish to report vacancies. In such situations, undoubtedly the individuals awaiting appointment may have recourse to judicial remedies. In such proceedings, the government or the concerned agency can furnish a suitable explanation. If that is found to be arbitrary, appropriate directions may follow. However, the procedure in all such cases, would be to consider the state's response. In the present case, the KAT in this court's opinion, entirely misdirected itself in making an inquiry whether vacancies had arisen in June 2017, with promotion of some Medical Officers. As the department explained, those promotions could not automatically result in vacancies, having regard to the fact that excess number of Medical Officers were on the rolls. Furthermore, the KAT in our opinion, should not have inquired into the matter, once it was reported that all vacancies that could be reported, had been reported- as is evident from the reply filed by the department, as well as the tabular chart in it."

8. The Tribunal has given detailed reasons for repelling the factual versions of the petitioners that vacancies over and above the 93 vacancies already reported by the PSC, should have been utilised for advice as can be seen from a reading of paragraphs 22 to 28 of the impugned Ext.P21 verdict. It may be profitable to refer to the contents of paragraphs 22 to 28 of the verdict of the Tribunal at Ext.P21 which reads as follows:

"22. Whether the contentions put forth as to existence of vacancies, could be sustained or the reliefs as sought for granted has to be considered on the touchstone of the dictum laid down by

the Hon'ble Supreme Court and also in the light of the figures as provided by both sides. The adjudication by this Tribunal can only be whether the appointing authority i.e. the second respondent has reported all the existing substantive vacancies to the Public Service Commission for advice and whether there was any lethargy or inaction on the part of the respondent.

23. As per the pleadings of the applicants, 64 retirement vacancies have arisen, three vacancies due to death, 10 due to relieving, 64 deputation vacancies, 22 promotion vacancies and 16 creation of posts, against which only 38 have been reported to the Public Service Commission resulting in 141 vacancies remaining to be reported. As against the same, the second respondent's contention is that 65 retirement vacancies have arisen, 3 vacancies due to death, 10 relieving vacancies, 60 deputation vacancies, 17 promotion vacancies and 9 post creation vacancies, of which 63 vacancies were reported to the Public Service Commission. Subtracting this 63 from 164, 101 vacancies remained to be reported.

24. The manner in which the 101 vacancies are filled up, is also provided. A total of 96 Law Officers were repatriated and 5 were appointed through other means ie. from Translators, Dying in harness, etc, which adds up of to 104. Therefore, according to the respondents, no further vacancies were available for advice and appointment from Annexure A2 ranked list. It is also stated that the additional numbers as provided by the applicants i.e., 40 were due to the duplication in reckoning the vacancies. The extension orders granted to officers on deputation were taken as fresh deputation and as against 9 newly created posts, the applicants noted it as 16. The respondents have also produced the details of such duplication of vacancies in its Reconciliation Statement. The Reconciliation Statement is annexed to and shall form part of this order.

25. The main contention of the applicants is that 95 officers were repatriated against which 82 were not reported. This contention is raised on the basis that only 13 repatriated officers were in the entry cadre of Legal Assistant Grade II and the other 82 were in higher cadres. It is to be noted that on repatriation and on the officers rejoining the parent department in their respective cadre, necessary reversions will have to be effected which reflects to the entry cadre of Legal Assistant Grade II.

26. The contention that 48 vacancies reported in 2013,

2014 and 2015 were not filled up from the vacancies of 2017 and 2018 cannot be sustained in the light of the additional reply statement and the details of the repatriated officers as provided therein. 12 Judicial Magistrates were returned to the Law Department during 2016 and further 2+9 were returned from the personal staff of Ministers and for other reasons and 8 more from Kerala State Housing Board, Kerala State Road Transport Corporation and Kerala Water Authority were repatriated and Officers were also repatriated due to abolition of posts in the Kerala State Planning Board and State Urban Development Department. In addition to the same, pursuant to the directions by this Tribunal in OA No.915/2012 and connected cases dated 30.01.2013, 12 posts had to be filled from departmental hands against the previous ranked list which had expired and therefore, it was filled from Annexure A2 ranked list and the 48 vacancies are accordingly accounted for.

27. The further contention that the retirement vacancies, relieving vacancies, vacancies arising due to death and newly created posts were not reported, is no longer available in the light of the figures provided in the Reconciliation Statement.

28. The promotion vacancies, 54 in number have admittedly arisen after the expiry of the ranked list. 42 promotions of Legal Assistant Grade to Grade I were carried out as per order G.O.(Rt) No.1070/2021/Law dated 29.12.2020. Further, 12 promotions were also carried out after the expiry of the list. As per Rule 14 of the Public Service Commission Rules of Procedure, the Commission is -to advise candidates for all the vacancies reported and pending before it and the vacancies which may be reported during the period of existence of the ranked list. The ranked list has admittedly ceased to exist on 24.9.2020 on completion of its 3 year tenure as per Rule 13 of the Public Service Commission Rules of Procedure. The promotion, vacancies which have arisen subsequent to the expiry of the ranked list could not be reported for advice from an expired ranked list. No direction could be issued to extend the life span of the ranked list in exercise of the powers under the 5th proviso to Rule 13 of the PSC Rules of Procedure, when all the vacancies that have arisen during the existence of the ranked list is accounted for and no further vacancies remained to be reported as on the date of expiry of the ranked list.

The Original Application therefore fails and the same is accordingly dismissed.”

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9. After hearing both sides, we are not in a position to hold that the abovesaid factual appreciation made by the Tribunal repelling the factual versions of the petitioners are in any manner unreasonable or manifestly perverse. Further, Sri.P.C.Sasidharan, learned Standing Counsel for the respondent Kerala Public Service Commission has pointed out that the subsequent selection process has already been set in motion by the Public Service Commission and the new ranklist for the post of Legal Assistant Grade II was finalized by the Public Service Commission on 27.05.2023 as Category No.478/2020 and that the Commission has already issued Advice Memos to some of the candidates included in the said new ranklist dated 27.05.2023 for the post of Legal Assistant Grade II, Law Department in the Direct Recruitment Quota.

10. The Division Bench of this Court in the case in **Soniya Alex & Others vs. State of Kerala & Others** (Judgment dated 03.03.2017 in OP(KAT) No.111/2014) [**2017 KHC 465**]= [**2017 (4) KLT 774**] = [**ILR 2017 (2) Ker 967**], has held that candidates cannot claim any right to urge that all the vacancies arising over a period of three years should be filled up necessarily from one ranklist and that after the expiry of the minimum one year period of the ranklist as envisaged in Rule 13 of the

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Kerala Public Service Commission Rules of Procedure, the Commission is at liberty to finalize a new ranklist and the recruitment to Public Services is an on-going and continuous process etc.

11. In the decision of this Court in **A.Sreekantan Nair & Others v. N.K.Muraleedharan Nair & Others** [1991 Lab IC 2163]=1991 (2) KLT SN 3 (case Nos. 4) = MANU/KE/0647/1991, it has been held in paragraphs 25 & 26 thereof that equal opportunity for public employment is one of the fundamental freedoms guaranteed by the Constitution of India and that Public Employment Opportunity is national wealth or property of the nation in which all citizens are equally entitled to, subject of course to the possession of qualifications necessary for holding the post and that no class of people can monopolise public employment for any reason and the right to employment is no private property, but one which has to be shared equally by all those who are eligible for it. Further that particularly in this country of perennial unemployment, the guarantee of equal opportunity in public employment assumes great importance and that such opportunity must be available to succeeding generations of young men and women who becomes eligible for appointment from time to time by acquiring the necessary qualifications etc. It should not be that

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the right to public employment get concentrated in a few hands and the right to compete and be selected for employment is consequently denied for long periods altogether. That as far as possible, young talented and succeeding generations, ought to find their revenues in public employment if they so desires and they should not be shut out from appointment, for the mere reason that selections have been made long ago on an imaginary or inflated basis and those included in the old select list remains to be appointed. Further that otherwise the guarantee under the Articles 14 & 16 of the Constitution of India will become illusory and creation of such reservoirs from which appointments are to be made for years to come leads to arbitrariness. It may be profitable to refer to paragraphs Nos.25 & 26 of the decision of this Court in **A.Sreekantan Nair's case** supra which reads as follows:

“25. Equal opportunity for public employment is one of the fundamental freedoms guaranteed by the Constitution. That as far as possible, public employment opportunity is national wealth or property of the nation which all citizens are equally entitled to subject of course to the possession of qualifications necessary for holding the post. No class of people can monopolise public employment for any reason. Right to employment is no private property, but one to be shared equally by all those who are eligible for it.

26. In this country of perennial unemployment particularly, the guarantee of equal opportunity in public employment assumes great importance. Such opportunity must be available to succeeding generations of young men who become eligible for appointment from time to time by acquiring the necessary qualifications. It should not be that the right to employment gets concentrated in a few hands and the right to compete and be

selected for employment consequently denied for long periods altogether. As far as possible, young talent and succeeding generations ought to find their avenues in public employment if so desired and they should not be shut out from appointment for the mere reason that selections have been made long ago on an imaginary or inflated basis and those included in the old select lists remain to be appointed. Otherwise the guarantees under Articles 14 and 16 will become illusory. Creation of such reservoirs from which appointments are to be made for years to come leads to arbitrariness for the reason that any advice beyond the necessities of a particular period will result in stagnation of the list for a long number of years with resultant denial of opportunities for the subsequent eligible candidates.”

12. Now it may also be pertinent to refer to a recent decision rendered by the Apex Court in relation to Munsiff-Magistrate selection in the State of Kerala, in the case ***High Court of Kerala v. Reshma A.*** [(2021) 3 SCC 755]. Without getting into the details, it may be pertinent to note the rules involved in that selection, which is “Special Rules in respect of Kerala Judicial Service” and Category (2) of Rule 3 thereof is in relation to the post of Munsiff-Magistrate. The unamended Rule 7 thereof has been given in para 14 of the decision in ***A.Reshma’s case*** (2021) 3 SCC 755, which reads as follows:

“Rule 7. (1)
(2) The list consisting of not more than double the number of probable vacancies notified shall be forwarded for the approval of the Governor. The list approved by the Governor shall come into force from the date of the approval and shall remain in force for a period of three years or until a fresh approved list is prepared, whichever is earlier.”
(emphasis supplied)

13. The abovesaid rules were amended w.e.f. 19.1.2019, pursuant to which the last sentence of Rule 7(1) was substituted (see

para 16 of *Reshmas case supra*). As per the said amendment, Rule 7(2) was substituted by the following provision (see para 16 of *Reshma's case supra*)

Rule 7(2) of the existing Rules be substituted by the following:

*(2) The merit list prepared by the High Court shall be forwarded for the approval of the Governor. The **list approved** by the Governor shall come into force from the date of the approval and **shall be valid till the notified vacancies and the vacancies that may arise within one year from the date of approval of the list, are filled up or a fresh list comes into force, whichever is earlier.***"

(emphasis supplied).

So the substance of Rule 7(2) is that the approved list shall come into force from the date of approval of the competent authority and shall be valid till the notified vacancies and the vacancies that may arise.

14. The unamended Rule No.7(2) earlier stipulated that the approved list will be in force for a period of three years or until a fresh list is prepared and after the 2019 amendment, the stipulation in Rule 7(2) is that the approved list shall be valid till the notified vacancies and the vacancies that may arise within one year from the date of approval of the list are filled up or a fresh list comes into force, whichever is earlier.

15. Only for easy comparison, it may be apposite to extract the contents of the operative portion of Rule 13 of the Kerala Public Service Commission Rules of Procedure, which reads as follows:

“Rule 13. The ranked lists published by the Commission shall remain in force for a period of one years from the date on which it was brought into force provided that the said list will continue to be in force till the publication of a new list after the expiry of the minimum period of one year or till the expiry of three years whichever is earlier.

5 provisos thereto are omitted.

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16. The list in question in that case was approved by the competent authority on 7.5.2020 and the one year period thereof was upto 6.5.2021 (see paras 3 & 4 in ***Reshma's case*** supra [(2021) 3 SCC 755]). The subject writ petitions were filed before this Court in May 2020, contending that as on 7.5.2020 and thereafter, several vacancies of Munsiff-Magistrate had arisen, which were not specified in the selection notification inviting applications. The petitioners therein claimed that, in accordance with Rule 7(2), as amended w.e.f. 14.1.2019, all vacancies which arise for a period of one year after approval of the merit list are to be filled up from the approved merit list. The specific factual plea was that the appointments of Munsiff Magistrates from the said approved list must not be limited to 32 vacancies and must take into account all other vacancies that have arisen or which may arise till 6.5.2021, ie. within one year from the date on which the merit list dated 7.5.2020 was notified.

17. Per contra, the High Court on the administrative side

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contended that appointments to vacancies in the judicial service are regulated by statutory rules and that the directions and time line fixed by the Apex Court by virtue of directions issued under Art.142 of the Constitution of India are contained in the cases as in ***Malik Mazhar Sultan (3) v. Uttar Pradesh Public Service Commission*** [(2008) 17 SCC 703]. Relying on ***Malik Mazhar Sultan's case*** supra [(2008) 17 SCC 703] the respondent administration therein contended that the selection notification inviting applications is issued only for those vacancies that are available till 31st of December of the year in which the notification is issued and only these notified vacancies can be filled by the recruitment process of a given year. During the pendency of the writ petitions a fresh selection notification dated 30.6.2020 was issued by the High Court on the administrative side for 47 posts of Munsiff-Magistrate. The Single Bench of this Court in the impugned judgment rendered on 9.7.2020 ***{(Swetha Sasikumar v. State of Kerala [2020 SCC Online Ker.2633]}*** held that Rule 7(2) provides that vacancies existing and arising within one year from the date of approval of the list are to be filled up from the select list, unless a fresh list comes into force before the last date of the year. The learned Single Judge thus held that, since the special rules govern the selection and appointment,

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the respondent administration therein could not deny appointment on the ground that the recruitment would not fall within the time lines prescribed in **Malik Mazhar Sultan's (3) case** supra [(2008) 17 SCC 703] and it was specifically held that denial of appointment to the additional vacancies would be violative of Arts.14 and 16 of the Constitution of India, etc. Thus, the prayers in the Writ Petition were allowed and the respondent administration therein was directed to forward an additional list of candidates from the approval list dated 20.2.2020 to the competent authority for approval and appointment. The abovesaid judgment of the learned Single Judge in **Swetha Sasikumar's** case supra was affirmed by a Division Bench of this Court in intra court appeal, wherein it was held that the amended Rule 7(2) provides that the approved list is valid for the notified vacancies and the vacancies arising within one year from the date of approval of the list or till a fresh list comes into force and that consequently the merit list approved on 7.5.2020 would be valid for vacancies till 6.5.2021 or till a fresh list comes into force, whichever is earlier, etc. Aggrieved by the abovesaid verdict in the writ proceedings, the respondent administration therein (High Court on the administrative side) preferred SLPs, which resulted in the civil appeals, which culminated

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in the judgment dated 11.1.2021 in the abovesaid civil appeal {**A.Reshma's case** supra [(2021) 3 SCC 755]}. Therein the Apex Court specifically noted the impact of a series of directions issued by the Apex Court under Art.142 of the Constitution, regarding timely and annual based selection to fill up posts in judicial services like Munsiff Magistrate, etc. and the time lines given by the Apex Court in those series of judgments as in **Malik Mazhar Sultan's case** supra [(2008) 17 SCC 703] and ultimately upheld the contentions and pleas of the appellant therein (High Court on the administrative side) and reversed and set aside the impugned judgments of the Division Bench and the Single Bench, which interfered in the matter. Interference made by the Apex Court was on various grounds. One such vital ground was on the basis of the well known constitutional principle that ordinarily appointment of direct recruitment selection notifications should be confined to notified vacancies, as otherwise it would affect the rights of later qualified persons for public employment, which is guaranteed under Arts.14 and 16 of the Constitution of India, etc. The Apex Court in paras 48 to 53, 71.2, etc. has dealt with the various laws enunciated by the Apex Court on the issue as to limiting appointment, on the basis of selection process, to the notified vacancies, etc. The case laws

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elaborately considered by the Apex Court in *A.Reshma's case* supra [(2021) 3 SCC 755] are with reference to the decisions as in *Prem Singh v. Haryana State Electricity Board* [(1996) 4 SCC 319, para 25], *Rakhi Ray v. High Court of Delhi*, [(2010) 2 SCC 637], *UOI v. Ishwar Singh Khatri*, [1992 Supp (3) SCC 84], *Gujarat State Dy. Executive Engineers' Assn. v. State of Gujarat*, [1994 Supp (2) SCC 591], *State of Bihar v. Secretariat Asstt. Successful Examinees Union 1986*, [(1994) 1 SCC 126], *Ashok Kumar v. Banking Service Recruitment Board* [(1996) 1 SCC 283], *Anurag Kumar Singh v. State of Uttarakhand* [(2016) 9 SCC 426], *Rahul Dutta v. State of Bihar* [(2019) 5 SCC 158], *Bedanga Talukdar v. Saifudaullah Khan* [(2011) 12 SCC 85], etc.

18. Brief reference to 2 of such decisions may not be out of place at this instance. A 3-Judge Bench of the Apex Court in *Rakhi Ray v. High Court of Delhi*, [(2010) 2 SCC 637] has held as follows in paras 7 and 12 as follows:

“7. It is a settled legal proposition that vacancies cannot be filled up over and above the number of vacancies advertised as “the recruitment of the candidates in excess of the notified vacancies is a denial and deprivation of the constitutional right under Article 14 read with Article 16(1) of the Constitution”, of those persons who acquired eligibility for the post in question in accordance with the statutory rules subsequent to the date of notification of vacancies. Filling up the vacancies over the notified vacancies is neither permissible nor desirable, for the reason, that it amounts to “improper exercise of power and only in a rare and exceptional circumstance and in emergent situation, such a rule can be

deviated from and such a deviation is permissible only after adopting policy decision based on some rationale”, otherwise the exercise would be arbitrary. Filling up of vacancies over the notified vacancies amounts to filling up of future vacancies and thus, is not permissible in law. (Vide Union of India v. Ishwar Singh Khatri [1992 Supp (3) SCC 84 : 1992 SCC (L&S) 999 : (1992) 21 ATC 851] , Gujarat State Dy. Executive Engineers' Assn. v. State of Gujarat [1994 Supp (2) SCC 591 : 1994 SCC (L&S) 1159 : (1994) 28 ATC 78] ,State of Bihar v. Secretariat Asstt. Successful Examinees Union 1986 [(1994) 1 SCC 126 : 1994 SCC (L&S) 274 : (1994) 26 ATC 500 : AIR 1994 SC 736], Prem Singh v. Haryana SEB [(1996) 4 SCC 319 : 1996 SCC (L&S) 934] and Ashok Kumar v. Banking Service Recruitment Board [(1996) 1 SCC 283 : 1996 SCC (L&S) 298 : (1996) 32 ATC 235 : AIR 1996 SC 976].)

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12. In view of above, the law can be summarised to the effect that any appointment made beyond the number of vacancies advertised is without jurisdiction, being violative of Articles 14 and 16(1) of the Constitution of India, thus, a nullity, inexecutable and unenforceable in law. In case the vacancies notified stand filled up, the process of selection comes to an end. Waiting list, etc. cannot be used as a reservoir, to fill up the vacancy which comes into existence after the issuance of notification/advertisement. The unexhausted select list/waiting list becomes meaningless and cannot be pressed in service any more.”

19. In **Bedanga Talukdar's case supra Khan [(2011) 12 SCC 85]**, it has been held in para 29 thereof as follows (see pages 92 and 93 of the SCC report):

“29. We have considered the entire matter in detail. In our opinion, it is too well settled to need any further reiteration that all appointments to public office have to be made in conformity with Article 14 of the Constitution of India. In other words, there must be no arbitrariness resulting from any undue favour being shown to any candidate. Therefore, the selection process has to be conducted strictly in accordance with the stipulated selection procedure. Consequently, when a particular schedule is mentioned in an advertisement, the same has to be scrupulously maintained. There cannot be any relaxation in the terms and conditions of the advertisement unless such a power

is specifically reserved. Such a power could be reserved in the relevant statutory rules. Even if power of relaxation is provided in the rules, it must still be mentioned in the advertisement. In the absence of such power in the rules, it could still be provided in the advertisement. However, the power of relaxation, if exercised, has to be given due publicity. This would be necessary to ensure that those candidates who become eligible due to the relaxation, are afforded an equal opportunity to apply and compete. Relaxation of any condition in advertisement without due publication would be contrary to the mandate of equality contained in Articles 14 and 16 of the Constitution of India.”

20. We are fully conscious of the difference in the rules of procedure regulating selections as in the instant case, in the State of Kerala, in view of the provisions contained in Rules 13 and 14 of the PSC Rules of Procedure. However, we have referred these decisions only to underscore the jurisprudential basis of the reasonings of those judgments, which is that, the right to equal opportunity for public employment guaranteed to candidates to get qualified, subsequent to issuance of a selection notification, flows from Arts.14 and 16 of the Constitution of India. It is precisely the abovesaid aspects that form the bedrock of the jurisprudential foundation laid down by this Court in decisions as in ***A.Sreekandan Nair & Ors. v. M.K.Muralidharan Nair & Ors.*** [1991 Lab IC 2163 = 1991 (2) KLT SN 3 (case No.4) = MANU/KE/0647- 1991, paras 25

to 28, etc. thereof. So also, we have referred to the abovesaid decisions of the Apex Court in ***A.Reshma's*** case supra (2021) 3 SCC 755, to appreciate the specific interpretative approach taken therein by the Apex Court that the rules of selection process should be interpreted in a manner, which is harmonious with the constitutional rights guaranteed for equal opportunity for public employment, given to candidates who qualify subsequently in terms of Arts.14 and 16 as also to be in consonance with the dictum laid down by the Apex Court, etc. The jurisprudential perspectives of the Apex Court in ***A.Reshma's*** case supra (2021) 3 SCC 755, should also be examined through the prism of the abovesaid Rule 7(2) concerned in that case as well as the operative portion of Rule 13 of PSC Rules of Procedure.

20. In the light of these aspects when the cadre strength of the post of Legal Assistant Grade II is as determined by the State Government in terms of Annexure R2(b) GO and as 93 advices have already been made by the respondent PSC in respect of candidates included in Annexure A2 ranklist and as the impugned fact findings made by the Tribunal supra cannot be said to be

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unreasonable or perverse and as the new ranklist has already come into force, we are not in any manner inclined to interfere with the well considered verdict of the Tribunal.

The Original Petition fails and the same will stand dismissed.

sd/-

ALEXANDER THOMAS, JUDGE

sd/-

C. JAYACHANDRAN, JUDGE

Nsd

APPENDIX OF OP(KAT) 195/2022

PETITIONER ANNEXURES

- Annexure A1 TRUE COPY OF NOTIFICATION NO: 121/2013 INVITING APPLICATIONS TO THE POST OF LEGAL ASSISTANT (GRADE II) IN THE LAW DEPARTMENT (GOVERNMENT SECRETARIAT) BY WAY OF DIRECT RECRUITMENT
- Annexure A2 TRUE COPY OF THE RANK LIST DATED 25-9-2017 WITH RESPECT TO ANNEXURE A1 NOTIFICATION
- Annexure A3 TRUE COPY OF THE QUERY UNDER RIGHT TO INFORMATION ACT SUBMITTED TO 2ND RESPONDENT DATED 04-10-2017
- Annexure A3(a) TRUE COPY OF REPLY FROM THE 2ND RESPONDENT DATED 6-11-2017 OBTAINED UNDER THE RIGHT TO INFORMATION ACT, 2005
- Annexure A3(b) TRUE COPY OF REPLY FROM THE 2ND RESPONDENT DATED 2-6-2018 OBTAINED UNDER THE RIGHT TO INFORMATION ACT, 2005
- Annexure A3(c) TRUE COPY OF THE NAMES AND DETAILS OF THE 64 PERSONS WHO HAVE RETIRED AS PER ANNEXURE A3(A) AND ANNEXURE A3(B)
- Annexure A4 TRUE COPY OF GO (RT) NO: 1081/2017/LAW DATED 16-8-2017
- Annexure A4(a) TRUE COPY OF GO (RT) NO: 44/2018/LAW DATED 16-1-2018
- Annexure A4(b) TRUE COPY OF GO (RT) NO: 54/2018/LAW DATED 18-1-2018
- Annexure A4(c) TRUE COPY OF GO (RT) NO: 118/2019/LAW DATED 31-1-2019
- Annexure A4(d) TRUE COPY OF GO (RT) NO: 1200/2019/LAW DATED 26-8-2019
- Annexure A4(e) TRUE COPY OF GO (RT) NO: 1227/2019/LAW DATED 29-8-2019.
- Annexure A4(f) TRUE COPY OF THE NAMES AND DETAILS OF THE PERSONS WHO ARE COVERED BY ANNEXURE A4 TO ANNEXURE A4(E)
- Annexure A5 TRUE COPY OF GO (RT) NO: 252/2018/LAW DATED 6-3-2018
- Annexure A5(a) TRUE COPY OF GO (RT) NO: 317/2018/LAW DATED 20-3-2018
- Annexure A5(b) TRUE COPY OF GO (RT) NO: 227/2018/LAW DATED 4-5-2018
- Annexure A5(c) TRUE COPY OF GO (RT) NO: 555/2018/LAW DATED 8-5-2018
- Annexure A5(d) TRUE COPY OF GO (RT) NO: 611/2018/ SJD DATED 26-10-2018
- Annexure A5(e) TRUE COPY OF GO (RT) NO: 1101/2019/H &FW DATED 14-5-2019
- Annexure A5(f) TRUE COPY OF GO (RT) NO: 01/2019/LAW DATED 1-1-2019

Annexure A5(g) TRUE COPY OF GO (RT) NO: 870/2019/LAW DATED 5-7-2019

Annexure A5(h) TRUE COPY OF GO (RT) NO: 919/2019/LAW DATED 8-7-2019

Annexure A5(i) TRUE COPY OF GO (RT) NO: 920/2019/LAW DATED 8-7-2019

Annexure A5(j) TRUE COPY OF GO (RT) NO: 1176/2019/LAW DATED 22-8-2019

Annexure A5(k) TRUE COPY OF GO (RT) NO: 535/2019/SJD DATED 27-8-2019

Annexure A5(l) TRUE COPY OF GO (RT) NO: 1298/2019/LAW DATED 23-9-2019

Annexure A5(m) TRUE COPY OF GO (RT) NO: 1260/2019/LAW DATED 7-9-2019

Annexure A5(n) TRUE COPY OF GO (RT) NO: 1299/2019/LAW DATED 23-9-2019

Annexure A5(o) TRUE COPY OF GO (RT) NO: 1488/2019/LAW DATED 8-11-2019

Annexure A5(p) TRUE COPY OF THE NAMES AND DETAILS OF THE PERSONS COVERED BY THE ANNEXURE A5 TO ANNEXURE A5(O)

Annexure A6 TRUE COPY OF GO (RT) NO: 24/2017/SOCIAL JUSTICE DEPARTMENT DATED 30-6-2017

Annexure A6(a) TRUE COPY OF GO (MS) NO: 149/2017/LAW DATED 8-12-2017

Annexure A6(b) TRUE COPY OF GO (RT) NO: 106/2019/LSGD DATED 16-8-2019

Annexure A6(c) TRUE COPY OF GO (MS) NO: 281/2018/HIGHER EDUCATION DEPARTMENT DATED 22-11-2018

Annexure A6(d) TRUE COPY OF CABINET DECISION DATED 25-9-2019

Annexure A6(e) TRUE COPY OF DETAILS OF THE 16 POSTS CREATED AS PER ANNEXURE A6 TO ANNEXURE A6(D)

Annexure A7 TRUE COPY OF REPRESENTATION SUBMITTED BY THE APPLICANTS BEFORE THE HON'BLE CHIEF MINISTER, GOVERNMENT OF KERALA

Annexure A8 TRUE COPY OF REPRESENTATION SUBMITTED BY THE APPLICANTS BEFORE THE HON'BLE LAW MINISTER GOVERNMENT OF KERALA

Annexure A9 TRUE COPY OF NOTIFICATION CATEGORY NO.478/2020 FOR 3 ANTICIPATED VACANCIES TO THE POST OF LEGAL ASSISTANT GRADE-II ON 31-12-2020

Annexure A9(a) TRUE COPY OF NOTIFICATION CATEGORY NO: 479/2020 ISSUED BY THE 3RD RESPONDENT FOR 2 ANTICIPATED VACANCIES TO THE POST OF LEGAL ASSISTANT GRADE - II RESERVED FOR APPOINTMENT FROM ANY CATEGORY IN KERALA SECRETARIAT SUBORDINATE SERVICE

Annexure A9(b) TRUE COPY OF NOTIFICATION CATEGORY NO: 480/2020 ISSUED BY THE 3RD RESPONDENT FOR 2 ANTICIPATED VACANCIES TO THE POST OF LEGAL ASSISTANT GRADE - II RESERVED FOR APPOINTMENT BY TRANSFER FROM ANY

CATEGORY IN ANY DEPARTMENT UNDER THE GOVT. OR IN THE SERVICE OF HIGH COURT OF KERALA

- Annexure A10 TRUE COPY OF GO(EX) NO: 1084/2020/LAW DATED 29-12-2020 PROMOTING 42 PERSONS IN THE RANK OF LEGAL ASSISTANT GRADE - II TO LEGAL ASSISTANT GRADE - I
- Annexure R2(a) TRUE COPY OF THE PROFORMA REPORT OF VACANCIES THROUGH E-VACANCY
- Annexure R2(b) TRUE COPY OF G.O.(MS) NO.82/2016/LAW DATED 18-05-2016
- Annexure R2(c) TRUE COPY OF ORDER NO.B1(A) 61/2016 DATED 01-06-2016 OF THE KERALA HIGH COURT
- Annexure R2(d) TRUE COPY OF THE LIST OF CANDIDATES GIVEN APPOINTMENT AND JOINED IN THE LAW DEPARTMENT FROM THE PSC RANK LISTS WHICH EXPIRED ON 25-09-2020
- Annexure R2(e) TRUE COPY OF A DETAILED LISTS OF LEGAL ASSISTANTS IN THE LAW DEPARTMENT
- Annexure R2(f) TRUE COPY OF THE RELEVANT PAGES OF THE KERALA SECRETARIAT SUBORDINATE SERVICE SPECIAL RULE
- Annexure A11 TRUE COPY OF ORDER OF THIS HON'BLE TRIBUNAL DATED 30-01-2013 IN O.A.NO.915 OF 2012 AND CONNECTED CASES
- Annexure A12 TRUE COPY OF APPOINTMENT CHART NO: RIA (1)17692/10/GW CATEGORY NO: 455/07
- Annexure A13 TRUE COPY OF 1ST APPOINTMENT CHART FOR CATEGORY 121/13, 122/13, 123/13 DATED 28-11-2017
- Annexure A13(a) TRUE COPY OF 1ST APPOINTMENT CHART FOR CATEGORY 121/13, 122/13, 123/13 DATED 22-05-2018
- Annexure A14 TRUE COPY OF PROFORMA FOR REPORTING VACANCIES VIDE G.O.(P).NO.38/92.P&ARD DATED 18-09-1992
- Annexure A14(a) TRUE COPY OF PROFORMA FOR REPORTING VACANCIES VIDE G.O.(P).NO.38/92.P&ARD DATED 18-09-1992
- Annexure A14(b) TRUE COPY OF PROFORMA FOR REPORTING VACANCIES VIDE G.O.(P).NO.38/92.P&ARD DATED 18-09-1992
- Annexure A14(c) TRUE COPY OF PROFORMA FOR REPORTING VACANCIES VIDE G.O.(P).NO.38/92.P&ARD DATED 18-09-1992
- Annexure A14(d) TRUE COPY OF PROFORMA FOR REPORTING VACANCIES VIDE G.O.(P).NO.38/92.P&ARD DATED 18-09-1992
- Annexure A14(e) TRUE COPY OF PROFORMA FOR REPORTING VACANCIES VIDE G.O.(P).NO.38/92.P&ARD DATED 18-09-1992
- Annexure A14(f) TRUE COPY OF PROFORMA FOR REPORTING VACANCIES VIDE G.O.(P).NO.38/92.P&ARD DATED 18-09-1992
- Annexure A14(g) TRUE COPY OF PROFORMA FOR REPORTING VACANCIES VIDE G.O.(P).NO.38/92.P&ARD DATED 18-09-1992
- Annexure A14(h) TRUE COPY OF PROFORMA FOR REPORTING VACANCIES VIDE G.O.(P).NO.38/92.P&ARD DATED 18-09-1992
- Annexure A14(i) TRUE COPY OF PROFORMA FOR REPORTING VACANCIES VIDE G.O.(P).NO.38/92.P&ARD DATED 18-09-1992
- Annexure A14(j) TRUE COPY OF PROFORMA FOR REPORTING VACANCIES VIDE G.O.(P).NO.38/92.P&ARD DATED 18-09-1992

Annexure A14(k) TRUE COPY OF PROFORMA FOR REPORTING VACANCIES VIDE G.O.(P).NO.38/92.P&ARD DATED 18-09-1992

Annexure A14(l) TRUE COPY OF PROFORMA FOR REPORTING VACANCIES VIDE G.O.(P).NO.38/92.P&ARD DATED 18-09-1992

Annexure A14(m) TRUE COPY OF PROFORMA FOR REPORTING VACANCIES VIDE G.O.(P).NO.38/92.P&ARD DATED 18-09-1992

Annexure A14(n) TRUE COPY OF PROFORMA FOR REPORTING VACANCIES VIDE G.O.(P).NO.38/92.P&ARD DATED 18-09-1992

Annexure A15 TRUE COPY OF LETTER DATED 20-10-2017 FROM THE SECRETARY, KERALA PUBLIC SERVICE COMMISSION ADDRESSED TO THE LAW SECRETARY

Annexure A16 TRUE COPY OF REPLY TO ANNEXURE-A15

Annexure R2(g) TRUE COPY OF DETAILS OF RETIREMENT AND VACANCY REPORTED FROM 15-01-2016 TO 31-05-2020

Annexure R2(h) TRUE COPY OF REPLY TO ANNEXURE-A4 SERIES

Annexure R2(i) TRUE COPY OF REPLY TO ANNEXURE-A5 SERIES

Annexure R2(j) TRUE COPY OF REPLY TO ANNEXURE-A6 SERIES

Annexure R2(k) TRUE COPY OF DETAILS OF OFFICER REPATRIATED DURING 2016 TO 2020

Annexure R2(l) TRUE COPY OF DETAILS OF VACANCY REPORTED DURING 2016- 2020

Annexure R2(m) TRUE COPY OF LIST OF OFFICERS CURRENTLY ON DEPUTATION FROM LAW DEPARTMENT AS ON 01-12-2021

Annexure R2(n) TRUE COPY OF DETAILED LIST OF APPOINTMENTS AND REPATRIATIONS

Annexure A17 TRUE COPY OF G.O.(ORD.) NO.529/2021/LAW DATED 14-06-2021

Annexure A18 TRUE COPY OF G.O.(RT).NO.1321/2017/LAW DATED 23-10-2017

Annexure A19 TRUE COPY OF G.O.(ORD.) NO.1499/2018/LAW DATED 06-12-2018

Annexure A20 TRUE COPY OF QUERY DATED 20-02-2021 UNDER THE RIGHT TO INFORMATION ACT, 2005 SUBMITTED BEFORE THE 3RD RESPONDENT

Annexure A20(a) TRUE COPY OF REPLY DATED 23-03-2021 ISSUED BY THE 3RD RESPONDENT

Annexure A21 TRUE COPY OF P&ARD CIRCULAR NO.C2/174/2021 DATED 05-10-2021

Annexure R2(o) TRUE COPY OF THE RECONCILIATION STATEMENT CONNECTED WITH VACANCY POSITION IN THE LAW DEPARTMENT DURING PERIOD 2016 - 2020

Exhibit1 MEMORANDUM OF OA (EKM) NO: 1268 OF 2020 FILED BEFORE THE KERALA ADMINISTRATIVE TRIBUNAL , THIRUVANANTHAPURAM (ERNAKULAM BENCH)

Exhibit P2 TRUE COPY OF ORDER DATED 7-9-2020 IN OA (EKM) NO: 1268 OF 2020 OF THE KERALA ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM (ERNAKULAM BENCH)

Exhibit P3 TRUE COPY OF ORDER DATED 18-9-2020 IN OA (EKM) NO: 1268 OF 2020 OF THE HON'BLE KERALA

ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM
(ERNAKULAM BENCH)

- Exhibit P4 TRUE COPY OF MA NO: 70 OF 2021 IN OA (EKM) NO: 1268 OF 2020 SUBMITTED BY THE PETITIONERS ON 7-1-2021
- Exhibit P5 TRUE COPY OF REPLY STATEMENT FILED BY THE 2ND RESPONDENT IN OA (EKM) NO: 1268 OF 2020
- Exhibit P6 TRUE COPY OF STATEMENT IN REPLY TO MA(EKM) NO: 70 OF 2021 IN OA (EKM) NO: 1268 OF 2020 FILED BY THE 2ND RESPONDENT
- Exhibit P7 TRUE COPY OF REJOINDER TO THE EXHIBIT.P5 REPLY STATEMENT FILED BY THE PETITIONERS
- Exhibit P8 TRUE COPY OF MISCELLANEOUS APPLICATION FOR CORRECTION OF EXHIBIT P5 REPLY STATEMENT FILED BY THE 2ND RESPONDENT
- Exhibit P9 TRUE COPY OF MEMO FILED BY THE PETITIONER IN OA (EKM) NO: 1268 OF 2020 BEFORE THE HON'BLE KERALA ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM AT ERNAKULAM BENCH
- Exhibit P10 TRUE COPY OF INTERIM ORDER DATED 30-09-2021 ISSUED BY THE KERALA ADMINISTRATIVE TRIBUNAL, THIRUVANANTHAPURAM (ERNAKULAM BENCH)
- Exhibit P11 TRUE COPY OF ADDITIONAL REPLY STATEMENT FILED BY THE 2ND RESPONDENT IN ADDITION TO EXHIBIT P5 AS DIRECTED BY THE KERALA ADMINISTRATIVE TRIBUNAL VIDE EXHIBIT P10
- Exhibit P12 TRUE COPY OF MEMO DATED 19-11-2021, PRODUCING THE LIST OF LEGAL ASSISTANT GRADE II APPOINTED FROM PSC FROM DIFFERENT METHODS, FILED BY THE 2ND RESPONDENT
- Exhibit P13 TRUE COPY OF INTERIM ORDER DATED 2-12-2021 IN OA (EKM) NO: 1268 OF 2020 FILED BEFORE THE KERALA ADMINISTRATIVE TRIBUNAL , THIRUVANANTHAPURAM (ERNAKULAM BENCH)
- Exhibit P14 TRUE COPY OF STATEMENT DATED 15-12-2021 FILED ON BEHALF OF THE 2ND RESPONDENT
- Exhibit P15 TRUE COPY OF ADDITIONAL REPLY STATEMENT DATED 30-12-2021 FILED ON BEHALF OF THE 2ND RESPONDENT PRODUCING THE ALREADY PRODUCED ANNEXURE R2(G) TO ANNEXURE 2(N)
- Exhibit P16 TRUE COPY OF ADDITIONAL REPLY AFFIDAVIT FILED BY THE PETITIONERS TO EXHIBIT P14 FILED BY THE 2ND RESPONDENT AND PRODUCED DOCUMENTS ANNEXURE A17 TO ANNEXURE A21 AGAIN
- Exhibit P17 TRUE COPY OF MEMO DATED 27-1-2022, PRODUCING CLARIFICATION NOTE FROM THE ADDITIONAL LAW SECRETARY ON BEHALF OF THE 2ND RESPONDENT
- Exhibit P18 TRUE COPY OF REPLY STATEMENT DATED 20-3-2022 FILED BY THE 3RD RESPONDENT
- Exhibit P19 TRUE COPY OF CLARIFICATION STATEMENT ALONG WITH

ANNEXURE R2(0) FILED BY THE 2ND RESPONDENT ON 21-03-2022

- Exhibit P20 TRUE COPY OF ARGUMENT NOTES DATED 17-3-2022 SUBMITTED BY THE PETITIONERS IN O.A.(EKM).NO.1268 OF 2020
- Exhibit P21 TRUE COPY OF ORDER DATED 18-5-2022 IN OA (EKM) NO: 1268 OF 2020 OF THE KERALA ADMINISTRATIVE TRIBUNAL, ERNAKULAM
- Exhibit P22 TRUE COPY OF CATEGORY NO 479 OF 2020 DATED 16-01-2023 LIST OF CANDIDATES PROVISIONALLY ELIGIBLE TO BE CALLED FOR INTERVIEW FOR SELECTION TO THE POST OF LEGAL ASSISTANT GRADE-II (BY TRANSFER FROM ANY OTHER CATEGORY IN ANY OTHER DEPARTMENT UNDER THE GOVERNMENT OR IN THE SERVICE OF THE HIGH COURT OF KERALA)
- Exhibit P23 TRUE COPY OF CATEGORY NO 480 OF 2020 DATED 16-01-2023 LIST OF CANDIDATES LEGAL ASSISTANT GRADE-II (BY TRANSFER FROM ANY CATEGORY IN KERALA SECRETARIAT SUBORDINATE SERVICE),
- Exhibit P24 TRUE COPY OF CATEGORY NO 478 OF 2020 DATED 17-01-2023 LIST OF CANDIDATES PROVISIONALLY ELIGIBLE TO BE CALLED FOR INTERVIEW FOR SELECTION TO THE POST OF LEGAL ASSISTANT GRADE-II