

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5212 OF 2017
[@ SPECIAL LEAVE PETITION (C) NO.9814/2016]

PRIYA B.M.

PETITIONER(S)

VERSUS

KERALA PUBLIC SERVICE COMMISSION AND ORS.

RESPONDENT(S)

J U D G M E N T

KURIAN, J.

1. Leave granted.
2. The appellant is aggrieved by the impugned judgment dated 14.01.2016 whereby the High Court declined to grant any relief to the appellant on the basis of the order dated 08.01.2015 of this Court passed in Swapna Sukumar & Ors. v. State of Kerala and Ors. and other connected matters holding that the relief was limited only to the parties to those cases. But, unfortunately both, the Administrative

Tribunal and the High Court missed to take note of the fact that the appellant herein belongs to the same rank list dated 14.6.2011 and the appellant was at rank No.23. In the case of another similarly situated candidate, this Court on 5.10.2015 in Abokare K. v. State of Kerala and Others (C.A. No.8258/2015) has granted the relief. We are informed that Abokare K. is rank No.25 in the rank list.

3. In view of the above, we set aside the judgments of the High Court and the Administrative Tribunal. The name of the appellant in the rank list of 4.6.2011 shall stand restored and the respondents are directed to operate the said rank list in the case of the appellant. Appointment order shall be issued to her expeditiously and in any case within a period of two months from the date of production of a copy of this order.

4. Needless to say that this Court is conscious of the fact that the rank list has expired. However, the direction, as above, is issued in view of the peculiar facts and circumstances of the case, following the earlier judgment.

5. The appeal is, accordingly, disposed of.

6. Pending applications, if any, shall stand disposed of.

7. There shall be no orders as to costs.

.....J.
[KURIAN JOSEPH]

.....J.
[R. BANUMATHI]

NEW DELHI;
APRIL 13, 2017.



JUDGMENT