

FOREWORD

It is a matter of privilege for me to be associated with Karnataka Public Service Commission on the occasion of bringing out Volume-V of Compilation of Judgments pertaining to Public Service Commissions. Realising the usefulness and utility of Volumes I to IV of Compilation of Judgments brought out by the Karnataka Public Service Commission, the 15th National Conference of Chairpersons of State Public Service Commissions held on 8th February 2013 at Patna, Bihar, the task of bringing out Volume-V of Compilation of Judgments was entrusted to the Karnataka Public Service Commission once again. I sincerely thank them for reposing faith in Karnataka Public Service Commission.

As in the case of earlier four volumes care has been taken to include in this Compilation judgments covering a wide range of issues of facts as well as law that confront the Public Service Commissions in their role and functioning as Selecting Authorities.

It is felt by the Karnataka Public Service Commission that in order to have greater participation and involvement of all State Public Service Commissions in the matter of compilation of judgments, it is better the compilation work is entrusted to all State Public Service Commissions by turn.

After the advent of Right to Information Act, 2005, much of the time of the Public Service Commissions is taken for furnishing information relating to recruitment process. Therefore, some important court judgments under R.T.I. Act pertaining to the State Public Service Commissions and Union Public Service Commission under RTI Act are included in this Compilation.

The judgments are arranged in chronological order first pertaining to Union Public Service Commission and then State Public Service Commissions in alphabetical order as indicated in the Index. To facilitate easy and quick reference, Public Service Commission-wise Index and Subject-wise Index are given. Different topics in the Subject Index are arranged under separate chapters for easy reference.

On the occasion of the celebration of Diamond Jubilee of Karnataka Public Service Commission on 18.5.2011, Prof. D.P.Agrawal, Chairman of Union Public Service Commission addressed the gathering as Chief Guest and in his illuminating address he highlighted objectives, status and functioning of Public Service Commissions. His address has been included under Journal Section of Volume- IV of Compilation of Judgments which bears repetition considering the matters of issues raised in the address. Hence, the said address has been included under Journal Section of this Volume-V of Compilation of Judgments.

I thank the Chairman of the 15th National Conference of Chairpersons Prof. D.P.Agrawal and my brother/sister Chairpersons of various Public Service Commissions for having entrusted the responsibility of bringing out Volume-V of Compilation also. I also thank Union Public Service Commission and various State Public Service Commissions who have co-operated with the Karnataka Public Service Commission in bringing out this Compilation by sending copies of judgments relating to the functioning of Public Service Commissions.



[S. R. RANGAMURTHY]

1st Member,
Karnataka Public Service Commission,
Bangalore.

JOURNAL SECTION

**Speech of Prof. D.P. Agrawal, Chairman, UPSC – on the occasion of
Diamond Jubilee Lecture Series of Karnataka PSC – 18th May 2011, at Bangalore.**

Shri Suresh Kumarji, Hon. Minister of Law and Parliamentary Affairs, Government of Karnataka; Shri Gonal Bhimappa, Hon. Chairman, Karnataka Public Service Commission; Sri. S.V.Ranganath, Chief Secretary, Govt. of Karnataka, Hon. Members of the KPSC; Distinguished Guests; Ladies and Gentlemen;

2. It is indeed an honour and privilege to me to inaugurate the Diamond Jubilee Lecturer Series of Karnataka Public Service Commission. I would like to compliment the Commission for the outstanding work it has done during its 60 years of meaningful existence. Today morning, His Excellency the Governor of Karnataka has inaugurated the Diamond jubilee Celebrations and the Hon. Chief Minister has laid the foundation stone for the Diamond Jubilee Building of the Commission. Indeed, the Diamond Jubilee of the Institution is the right occasion for introspection.

3. The broad contours and goals of governance in free India were well laid out in the famous “Tryst with Destiny” a speech made by Jawaharlal Nehru, the first Prime Minister of independent India. This was further articulated in the First five year plan document. It noted about the tasks facing administration. I quote “The major emphasis now shifts to the development of human and material resources and the elimination of poverty and wants”. We all are aware of many positive developments that have happened in all most all the fields. However, the problems of chronic poverty, ignorance and disease still continue to haunt millions of our citizens.

4. One of the basic elements of our governance architecture is the civil service which forms the permanent structure and backbone of administration. In India public services are held in the highest social esteem. Much of it originates from the fact that the founding fathers of our constitution have envisioned the recruitment of public servants not by the governments but by an independent body solely on the basis of merit through open competition only. For this they created Public Service Commissions as Constitutional bodies with requisite freedom and safeguards to enable them to deliver services without bias, fear and favour and in a most transparent way. The values of independence, impartiality and integrity are the basic determinants of the constitutional conception of Public Service Commission.

5. The first Public Service Commission was established on October 1, 1926 following the recommendations of Lee Commission. Later on the Govt. of India Act, 1935 envisaged a Public Service Commissions for both the Federation and for each province or group of Provinces. The first Public Service Commission in Karnataka was constituted in the erstwhile State of Mysore on 18th May, 1951.

6. The pivotal role for the Public Service Commission can be summed up in what the first President of India, Babu Rajendra Prasad, had said in his valedictory address on November 26, 1949, as President of the Constituent Assembly:

“Our Constitution has devised certain independent agencies to deal with particular matters. Thus it has provided for Public Service Commissions both for the Union and for the States and placed such Commission on an independent footing so that they may discharge their duties without being influenced by the Executive. One of the things against which we have to guard is that there should be no room as far as it is humanly possible for jobbery nepotism and favouritism. I think the provisions we have introduced into our Constitution will be very helpful in this direction.”

7. It is understood that the success of any institution depends on the integrity, efficiency and honesty of purpose of those persons who are part of it. The methods of appointment and the conditions of service of the persons manning the Commissions have a determining influence on the efficiency of the organization. In this regard the Lee Commission had strongly pleaded that the Commissioners must be detached so far as practicable from all political associations. The Simon Commission were of the firm belief that the Provincial Public Service Commission can serve the purpose for which they were established only if their Members were completely removed from political influences. It is therefore of utmost importance that the Commissions should be manned by persons of highest integrity and competence. The composition of the Commissions should be such that it should have a balance of important view points and experiences from a cross section of society. This, I am sure would inspire the confidence of the public as a whole. We now have experience of over 60 yeas of working of Commissions and it is for consideration whether the present method of appointment is adequate and results only in the appointment of persons of merit and independence of the Commission. Since all of us are separate in our own domain, the tasks of appointing members to man Public Service Commissions remain with the State Government. Each State has a freedom to appoint members to Commissions but may not like to deviate from the practices that are well respected across the country in doing so.

8. Paul Appleby, a noted public administration thinker, was of the view that Public administration in India should not be used in a narrow sense of the term but should be seen in the larger context of the welfare state to be judged by what it achieves for the public welfare. He emphasized that excessive cross reference and consultation leads to “evasion of responsibility”. He also said that democracy depends on responsibility, accountability and responsiveness. Today, Governance is a term that has come to signify a traverse beyond government and a means to transform the life of different social actors. It is imperative therefore that the structures of governance align themselves with the rising aspirations of the people and creatively act upon them so as to deliver the greatest good in a socially just, equitable and unbiased manner.

9. Public servants must be able to participate effectively in the processes of governance in a manner that focuses on outcomes rather than merely on outputs. The aim should be to evolve new and imaginative solutions for the problem facing the country. The old ways of excessive caution, reliance on past precedents or treading the beaten paths should give way to innovation and out of box thinking to address the challenges. What Pandit Jawahar Lal Nehru said in 1958 holds good even more today?

“In a period of dynamic growth, we want as civil servants – people with minds, people with vision, people with a desire to achieve, who have some initiative for doing a job and who can think how to do it.”

10. Ethics and concern for equity are central to the concept of good governance in a democracy. Good governance is not merely about more efficient management of organizations, it is also about humane and ethical management. Ethical behavior must be the key judgment and should override all other processes and performances. Moral conduct must be a way of life of our institutions of Democracy. Needless to say that there has to be democratic morality. People value the work done by honest and dedicated people. We all should work to strengthen the trust and faith which people have in all of us. There has been a number of Codes for ethics in vogue. There is a growing feeling in the people that they are not effective in dealing with ethical issues. Many of them have too many elements making them impracticable to follow and implement. It calls for fewer but powerful elements in the ethical codes that could be remembered easily and bind an individual to important universal virtues. I believe that we should make morality ethical behavior, sincerity and truthfulness as the touch stone, while recruiting candidates to man the public service.

11. The Government is increasingly viewed as an efficient provider – of basic services and public goods. People expect the Government to facilitate growth and development. Thus the

relationship between the people and the institutions of public governance are key in delivering public services. These relationships take different forms and shapes. However, treating the citizen merely as a customer is particularly limiting. As a citizen one expects the institutions to not only promote the public welfare services but also a set of principles and ideals to make him/her a better citizen. I have a firm belief that Institutions are respected only when they are responsive and sensitive to matters of ethics and integrity and well adapted to address the satisfaction of the citizens in emerging world order. This can be achieved through continuous changes in methods of work and an outlook for innovations.

12. Recruiting the finest talent for manning the civil services and protecting their just interests so that they may act impartially and fearlessly is one of the tasks given to the Commission under the Constitution. How do we go about finding these people, of discovering those intellectual, human and personal attributes that would set apart the chosen few for their zeal, sense of commitment and thirst for achievement? How do we ensure that right people are recruited with due consideration for merit, equity and fair play, and that the youngsters so recruited continue to be fired by a passion for service and for ameliorating the condition of the poorest of India's poor? Should intellectual abilities or sheer academic brilliance be the sole or principal criterion of suitability for public services? Does the role and relevance of special skills and abilities of a candidate get due consideration? What about motivation and aptitude for the work expected from a Civil Servant? Whether the present system of written examination and interview is sufficient to judge the suitability of a candidate for a career in civil service for the next three decades or so? These are some of the questions that we have to ask ourselves so that our selection system is made more and more dynamic.

13. We are also witnessing an environment where public services and public servants are accorded very little support and are treated with low prestige. An unnecessary negative picture about the civil servants based on the misdemeanour by a few is being created. This acts as a de-motivating factor and contributes to the best not coming forward to man the public services narrowing our resource pool from where we make recruitment. We are also witnessing that many a bright talent are ready to leave the government. While constructive criticism is well received, an unbalanced view is detrimental to all. The erosion in the attraction of public services undermines the ability of governments to respond effectively to the needs and aspirations of the masses. Let us recognize that few other jobs offer such opportunities to impact the life of others as the public services do and the job satisfaction remain higher than what the private jobs offer.

14. India has a predominantly young population. Youth is the age of idealism, a stage in life that is marked by optimism, vitality and vigour. The youngsters of today are better educated and naturally have aspirations for a better future for them. They are impatient for results and are willing to work towards improving their position in life. It is very much in the interest of the society and the country that the personnel policy of the government too takes full advantage of the 'demographic dividend' by leveraging this tremendous energy and potential of our youth. Careers in public service have become more attractive in the context of emoluments regime as also on account of the changes in the global economic scenario. This places a responsibility on the government system to tailor procedures and careers to suit the newer vistas.

15. We should also realize that in building an effective civil service just and right selection is only the first step and not an end in itself. Training is a critical component for inculcating skills and values and helping to change entrenched mind-sets. Training is necessary for keeping up-to-date and enhancing professional knowledge and skills needed for better performance of both individuals and organizations. The need to develop and channelize the qualities inherent in the person cannot be overemphasized. Therefore, process of selection divorced from training and career development will not bring out in full all the potentialities of a candidate. Civil Service Commissions in many of the advanced countries are entrusted with the task of training, career management of the executives and also formulation of the policies for human resource development.

16. Our systems should have the synergy to innovate and reform and the resilience to adapt to the new environment. The Public Service Commissions have to rise up to the occasion and meet the challenge of attracting the brightest and the most suited personnel to man the public service and to select the right persons with substance, integrity and uprightness for the jobs in the Government. Our endeavour should be to recruit the best available talents within the shortest possible time. The emerging technologies do provide us immense possibility to innovate and develop agile and flexible systems of selection. We should equip ourselves with modern techniques of measuring the skills and qualities of candidates in a functional perspective. The information technology and improved connectivity have vastly improved the infrastructure of governance for young officers. This explosion of knowledge and revolution in communication should be better utilized to address the tasks at hand.

17. Explosion of knowledge is taking place at a very fast rate in the wake of rapid advances in the Scientific and Technological world. Our syllabi of various examinations should be in tune

with the latest trends in the educational field and for this we have to update these on regular basis to attract the best talents.

18. Public Trust and Confidence in any Organization can be sustained only if its functioning is not only fair and just but also visibly transparent. The dissemination of public information is essential both to effective democracy and good governance. Communications by and among citizens is crucial for citizen's satisfaction and for him to deliver its support to processes and policies of the government. For transparency it is central that the information be disseminated; hiding information is hindrance to good governance and prone to corrupt practices. Freedom of information not only improves efficiency through regular review and re-engineering of the processes by the organization and create public faith but protect citizens sovereign rights too. Right to Information Act must be viewed and accepted in this light. This Act has been a new opening to inform the public the processes and procedures adopted by us to maintain the impartiality and fairness in our working.

19. One of the areas of concern is the spurt in the number of litigations in various Courts. We have to understand the reasons for these phenomena. It should be a matter of serious concern to us if these litigations are emanating on account of diminishing faith in whatever we do. We should make our systems, procedures and processes public and also subject it to the scrutiny of the Hon'ble Courts. If there is any lacuna in these, they should be rectified. Our endeavour should be to convince the Hon'ble Courts about the correctness and integrity of our systems, procedures and processes. Thereafter the Court should leave the application of these systems and procedures in individual cases to us.

20. Over the years, Commissions have been confined to the traditional role of an agency for examining and recruiting with certain limited advisory functions on various service matters. The fundamental purpose of PSCs is to maintain and strengthen an efficient and contended public service which is free from political and personal influences. I am not very sure whether with the present limited charter of duties under Article 320 of the Constitution enables us to fulfill this purpose. We deal with only those cases which are under our purview and referred to us. There are a large number of informal but deciding factors in service matters which can be handled by the Commission with the present mandate. In most of the developed countries, our counterparts are given wide controlling powers and functions in regard to personnel administration. Time has now come to expand the horizon.

21. At the time of Independence, our country hardly had any Public Sector Enterprises. Successive Five Year Plans have resulted in establishment of a large number of such Enterprises. The economic reform process is also changing the role of the State which resulted in carving out Autonomous Bodies and entrusting the functions hitherto performed by the Government to these bodies. While decentralization of the functions may be the need of the hour, the selection to these bodies should be entrusted to Public Service Commission to ensure that merit alone is the basis of such selections. By virtue of its independent Constitutional status, the Commission inspires the highest confidence in the public with regard to its fairness, impartiality and objectiveness of its selection procedures. Article 321 of the Constitution of India has such an enabling provision and it is for the government to consider this.

22. The proviso to Article 320 (3) provides for exemption of posts from the purview of the Public Service Commissions. Over the years, the Government have excluded a number of civil posts/services from the purview of the Commission by invoking this proviso. Such an exclusion of posts from the purview of Commission would be justified only in exceptional circumstances. To allow permanent exemption of posts/services would run counter to the spirit of the provisions of the Commissions. Considering the purpose and spirit of the Constitutional provisions, all such civil posts/services should be brought back within the purview of the Commissions.

23. Both the Public Service Commission at the Centre and the Public Service Commission at the States are creations of the same Article of the Constitution. But the Constitution has not provided for any formal linkage between these Institutions. It was felt that a forum for exchange of ideas and experience with one another would be of immense help in improving the functioning of the Commissions by learning from each others' experience. This gave birth to the National Conference of Chairpersons of Public Service Commission. From 1999 onwards such Conferences are being held on regular basis. The deliberations at these conferences have been providing immense help in improving the functioning of the Commissions from learning from each other's experience and thereby strengthening the institution. Some remarkable achievements of these Conferences are the preparation of "The Compendium of Best Practices of State PSCs"; "The Model Code of Conduct for the Chairman and Members of the State PSCs" and the "Compilation of various Court Judgments having relevance to the functioning of the PSCs. The contributions of the Karnataka Public Service Commission in these ventures are exemplary and praiseworthy.

24. In today's globalized world, one cannot remain totally confined to one's own approaches, methods and ideals for delivering the given mandate. We have to be a learning organization, ready to accept and absorb the best even from the outside world.

25. Institutions like Public Service Commissions continuously evolve to come to a stage of steady state which is unachievable as we face a changing world. Therefore, we need to think 20 -30 years into the future and design systems, structures and procedures which are robust enough to deliver results far into the future. We learn from our past experiences and feed backs and also through re-engineering of processes. We have to be open minded, think out of box and capable to envision the future needs in an emerging social, economical and democratic paradigm and there after formulate policies and strategies to achieve the well defined goals and objective. This is important for us. We must evolve continuously through well thought out researches on the issues crucial in the delivery of our mandate. I am sure all of us shall measure up to these needs.

26. Let us all pledge to develop systems and processes that foster confidence in our people and that we are able to fulfill the 'raison d'etre' and live up to the expectations of the framers of our Constitution.

27. Coming back to today's subject, Diamond Jubilee is an important milestone in the life of an Institution. Sixty years may not be a very long period in the life of an institution. But it is certainly not the longevity but the quality of actions that justifies one's existence. From that perspective, it is heartening to note that Karnataka PSC has performed its constitutional responsibilities with a sense of integrity, dedication and diligence and has earned for itself a formidable reputation. The Karnataka Public Service Commission can surely look back with pride and satisfaction at its achievements. I convey my greetings and felicitations to the Chairman, Members, Secretary and all other Personnel of the Commission. I wish the Commission every success in the years ahead.

JAI HIND

INDEX

	Page Nos.
1. Union Public Service Commission	- 1 to 94
2. Andhra Pradesh Public Service Commission	- 95 to 98
3. Arunachal Pradesh Public Service Commission	- 99 to 160
4. Assam Public Service Commission	- 161 to 169
5. Bihar Public Service Commission	- 171 to 178
6. Chhattisgarh Public Service Commission	- 179 to 239
7. Gujarat Public Service Commission	- 241 to 278
8. Himachal Pradesh Public Service Commission	- 279 to 283
9. Jharkhand Public Service Commission	- 285 to 328
10. Karnataka Public Service Commission	- 329 to 576
11. Kerala Public Service Commission	- 577 to 597
12. Madhya Pradesh Public Service Commission	- 599 to 681
13. Maharashtra Public Service Commission	- 683 to 690
14. Manipur Public Service Commission	- 691 to 696
15. Mizoram Public Service Commission	- 697 to 711
16. Punjab Public Service Commission	- 713 to 790
17. Rajasthan Public Service Commission	- 791 to 924
18. Tamil Nadu Public Service Commission	- 925 to 936
19. Uttarachal Public Service Commission	- 937 to 954
20. Uttarkhand Public Service Commission	- 955 to 1000

SUBJECT INDEX

Subject-wise classification of various Judgments pertaining to PSCs

	Subject	Page No.
Chapter-I	Age limit	
(i)	Whether modification/alteration made in respect of maximum age limit by issue of fresh notification dated 20.09.2008 by cancelling earlier notification issued on 03.09.2008 can be said to be change of eligibility criteria during process of selection? No.	
(ii)	Whether prescription of upper age limit of 35 years to candidates belonging to State of Chhattisgarh and 30 years to rest of the candidates in so far as recruitment to post under State Civil Service discriminative attracting Article 16(2) of the Constitution? No.	181 to 192
(iii)	Relaxation in maximum age limit for appointment to posts under Chhattisgarh State Services Examination Rules – Whether maximum age limit of 38 years prescribed for recruitment to posts under Rule (1) of Chhattisgarh State Civil Services Examination Rules, which is framed under proviso to Article 309 of the Constitution of India, having statutory force, can be relaxed by another 8 years as per provisions of rules framed under Article 162 of the Constitution of India by exercising general executive power in so far as Government servants are concerned? No.	227 to 239
(iv)	Fixing cut-off date for determining maximum or minimum age being the discretion of rule making authority or employer, whether by taking into consideration vast gap of about 5 years between earlier recruitment and present recruitment, and vast number of candidates are deprived of opportunity of appointment, because of age limit, the cut-off date may be ordered to be fixed as requested by petitioner candidates in the interest of equity and justice? Yes.	314 to 321
(v)	Whether prescription of maximum age limit of 35 years for appointment under Kerala State Civil services Rules is violative of Article 16 of the Constitution of India? Whether merely because appointment by promotions are allowed/	584 to 586

	permitted beyond maximum age limit prescribed for direct recruitment can it be said that it is discriminatory? Whether extraordinary discretionary jurisdiction of Court under Article 226 of the Constitution can be invoked in such matter for grant of relief? No.	
(vi)	Whether prescription of minimum age limit of 24 years for appearance in examination conducted for recruitment to posts of Assistant District Public Prosecution Officer vis-à-vis prescription of minimum age limit of 21 years for recruitment to post of Civil Judge Class-II can be said to be illegal and arbitrary? No. Whether Courts can interfere in such matters in exercise of its power of judicial review? No.	612 to 616
Chapter-II	Age relaxation	
(i)	Benefit of age relaxation to candidates for recruitment to post of AEE Division –I under Karnataka Public Works Engineering Department Service (Recruitment of Assistant Executive Engineers Division-I by competitive examination) Rules, 2007 – Proviso to rule 5 of 2007 Rules, read with Rules 13 & 14 thereof vis-à-vis Rule 6(3)(b) of K.C.S. (General Recruitment) Rules, 1977 – KPSC rejected candidature of applicants – Assistant Engineers working in other departments of State Government who are not treated as inservice candidates under 2007 Rules on ground of over age, as they are not entitled for relaxation of age under Rule 6(3)(b) of 1977 Rules – While interpreting provisions of Rules 5, 12 & 13 of 2007 Rules, vis-à-vis Rule 6(3)(b) of 1977 Rules, held that applicants, though do not possess age as required under 2007 Rules, as they satisfy requirement of provisions of 1977 Rules, are entitled for relaxation of age. Consequently order of KPSC rejecting their candidature quashed.	331 to 380
(ii)	Maximum age limit having been prescribed under Rule (5) of Jharkhand Judicial Service (Recruitment) Rules, 2004, which was in place for more than ten years, whether merely on ground that concession in upper age limit has been given to SC/ST category candidates, without challenging the Rule or filing any writ petition seeking directions to refix maximum	322 to 328

	age limit, that too, on last date fixed for submission of application, seek directions for enhancement in upper age limit? No.	
(iii)	Whether decision of State Government to grant age relaxation for State Civil Services examination to extent of three years for the year 2008-09 and again for the year 2009-10, on ground of non-conduct of examination between the years 2001-2008 but not in respect of examination conducted for the year 2010-11 can be said to be illegal, arbitrary and unsustainable? No. Whether courts can in exercise of jurisdiction under Art. 226 of the Constitution interfere with such decisions of Government? No. Under what circumstances Courts can interfere in such matters? Explained.	617 to 619
Chapter-III	Appointment of Chairman and Members of State Public Service Commissions	
(i)	Whether the recommendation of the Executive to the Governor in this regard is absolute and binding? No. Under Article 316 of the Constitution, the Governor of a State has not only the express power of appointment of the Chairman and other Members of Public Service Commission, but also the implied power to lay down the procedure for appointment of Chairman and Members of the Public Service Commission. Whether the High Court under Article 226 of the Constitution has power to lay down the procedure for appointment of Chairman and other Members of PSC? No .In case the State Legislature fails to enact an appropriate law prescribing the qualification and experience for appointment of Chairman/Members of PSC whether the Supreme Court and Superior Courts can issue directions to the executive to frame appropriate guidelines for appointment of Chairman/Members? Yes.	715 to 790
Chapter-IV	Appointment	
(i)	Whether select list prepared for appointment of Lower Division Clerks by direct recruitment to various departments in different districts may be operated/advised for appointment	592 to 597

	<p>as Warden in the Scheduled Tribes Departments when method of appointment to post of Warden in the Scheduled Tribes Development Department being by posting of Lower Division Clerks by transfer of service, as per the Kerala Scheduled Tribes Development Subordinate Services Special Rules, 1993? No. - Whether appointment of persons in the select list of Lower Division Clerks for Direct recruitment as Warden is permissible without there being appropriate amendment to 1993 Rules? No.</p>	
(ii)	<p>(a) Disqualification for appointment - Whether Madhya Pradesh Public Service Commission is justified in disqualifying petitioners for appointment who got themselves married before attaining the minimum age fixed for marriage? Yes.</p> <p>(b) Whether M.P.S.C. is justified in disqualifying the petitioners for appointment, who got themselves married before attaining the minimum age fixed for marriage, even prior to coming into force of rule 6(5) of Madhya Pradesh Civil Services (General Conditions of Service) Rules, 1961, i.e., 10.03.2000? Yes.</p> <p>(c) Whether M.P.S.C. is justified in disqualifying petitioners for appointment who got themselves married before attaining the minimum age fixed for marriage, but whose marriage is dissolved at the time of applying for appointment under State Civil Service? Yes.</p>	629 to 633
(iii)	<p>Whether action of Arunachal Pradesh Public Service Commission in recommending only 27 candidates as against requisition made for recommending 29 candidates for appointment as Assistant Engineer (Civil), when eligible and qualified candidates are available, can be said to be approved by Constitution of India? No.</p>	140 to 145
(iv)	<p>Whether Manipur Public Service Commission is justified in its recommendation that the post of Librarian in Government Colleges has to be filled up by direct recruitment as per University Grants Commission's guidelines and not by promotion from the cadre of Assistant Librarian as per Recruitment Rules of 1991 which is in force, when State of Manipur is yet to adopt U.G.C. guidelines? No.</p>	694 to 696

Chapter-V	Candidature	
(i)	<p>Manner and method of submission of application form pertaining to Central Civil Services Examination – Respondent, candidate desirous of taking Central Civil Services Examination, 2010, was initially not issued with admit card to write the examination on ground of non-receipt of his application form by the Union Public Service Commission. However, because of intervention of Central Administrative Tribunal/High Court, respondent was permitted to appear for written exam as well as personality test by submitting second application. But his results were not declared – Contention of the respondent that he had sent in his application to UPSC through DTDC Courier and Cargo Ltd., on 28.01.2010 and the said courier had intimated that the application was delivered to appellant UPSC on 29.01.2010 itself – At no point of time respondent candidate adduced any evidence to the effect that the appellant had received the application form but for relying on the affidavit filed by the DTDC – Respondent did not enquire with UPSC authorities, when he did not receive acknowledgment card from UPSC affixed with its stamp having distinct numerical marks within 30 days from the date of dispatch of application form, as required under clause (7) of the advertisement inviting application, but only on 20.04.2010, after lapse of nearly two and a half months – Records maintained by appellant indicate that the system followed by them for receipt of application form is very comprehensive and flawless supporting the stand that the appellant has not received application form – Whether in the circumstances, can be inferred that it is because of lapse on part of appellant the respondent did not receive admit card and consequently directions should be issued to declare results of selection? No.</p>	16 to 27
(ii)	<p>Rejection of candidature for main examination conducted for selection to post of Assistant Conservator /Range Forest Officers Class-II – One of the eligibility criteria, as required by the advertisement inviting application to the post, was that those candidates who have completed 21 years age as on 30.03.2010 and appeared in the degree certificate</p>	273 to 278

	<p>examination before said date but whose results were not declared were permitted to appear in the preliminary examination and such candidates were required to produce certificate for passing of such degree examination as a proof. Petitioner submitted the degree certificate as final proof of possession of degree qualification along with application for main examination on 30.08.2010 wherein it was found that the degree examination was held in the month of April 2010, accordingly his application for main examination was rejected – Contention of the petitioner that he had appeared for practical examination from 15.03.2010 to 18.03.2010 and therefore it should be inferred that he had appeared for examination before 30.03.2010 and therefore rejection of his candidature is not justified – What was required in the advertisement being production of degree certificate in respect of examination held prior to 30.03.2010 and the degree certificate produced by the petitioner indicating that the examination was held in April 2010, whether the Public Service Commission was justified in rejecting his candidature declaring him ineligible for main examination? Yes.</p>	
(iii)	<p>Whether KPSC is at fault in rejecting candidature of applicant on ground of non-payment of examination fee along with application, as required under relevant rules? No. Held, if a candidate fails to pay the fee even if it is by mistake, the candidature cannot be validated.</p>	545 & 546
(iv)	<p>Whether petitioners who had completed the written part of their course and pursuant to which a course completion certificate has been granted on 22.12.2012 and had obtained provisional registration for purpose of undertaking internship by the M.P. Veterinary Council on 24.12.2012 can be said to possess degree in B.V.Sc. & A.H. in terms of Indian Veterinary Council Act, 1984 read with Veterinary Council of India Regulations 1993, so as to satisfy the requisite educational qualification prescribed by law for appointment to post of Assistant Veterinary Surgeon? No. Whether rejection of candidature of petitioner by the M.P. Public Service Commission can be found fault with? No.</p>	648 to 662

(v)	Whether rejection of candidature of appellant for not complying with clause 10 of advertisement inviting applications for recruitment and condition No.8 of interview letter dated 05.08.2010 mandating that candidates are required to produce original certificates at the time of interview and stipulation that no time would be granted for production of original certificates after personality test was over, and those who failed to produce required certificates would lose their candidature, can be said to be illegal? No. – Whether Tribunal and High Court were right in refusing to issue mandamus to consider appellants candidature against reserved category is valid? Yes.	411 to 415
(vi)	Whether rejection of candidature of petitioners, who have passed theory and practical examination of M.B.B.S. course without completing compulsory rotating internship training for a period of 12 months and possessing only provisional registration with M.P. Medical Council, as on last date for filing application can be said to have acquired essential qualification for appointment on post of Medical Officer? No. Whether rejection of candidature of such petitioners by M.P. Public Service Commission can be said to be unjustified and illegal? No.	670 to 681
(vii)	Rejection of candidature at advanced stage of selection on ground of non-possession of requisite educational qualification – Petitioners were initially allowed to participate in selection process held for selection to post of Assistant Director (Textile & Handicrafts) Technology on basis of information furnished by them. However, on detecting that they do not possess requisite qualification their candidature was rejected – Whether in the circumstances, the petitioners can be said to possess indefeasible right to demand that they must be treated as candidates, merely on ground they were allowed to participate in selection process,? No.	101 to 106
Chapter-VI	Caste Certificate	
(i)	Whether selection of respondent-3, made on basis of caste certificate issued by competent authority in a different format	547 to 549

	than the one prescribed by Public Service Commission is vitiated? No. Whether non-production of caste certificate in a prescribed format is a curable defect? Yes.	
Chapter-VII	Caste and Category	
(i)	Whether a woman who belongs to Scheduled Caste category by birth, merely on ground of her marriage with an upper caste man, loses her Scheduled Caste category tag? No.	971 to 981
(ii)	Mistake in entry relating to particulars of caste and category at appropriate place in application form – Petitioner was considered under General Merit category, at the time of interview, as he mentioned ‘Not applicable’ against column “whether he is applying for ‘Reserved’ or ‘Unreserved’ (General) category even though he encloses caste certificate to effect that he belongs to ST category and petitioner fails to approach authorities or Court immediately when he was informed well in advance that he was called for interview for vacancies under general merit category – Whether in the circumstance, can it be said that the mistake committed by the petitioner is bona fide so as to allow the mistake to be rectified? No. Whether Public Service Commission is justified in considering him under general merit category? Yes.	268 to 272
(iii)	Rejection of applications submitted for Civil Services main examination for failure to submit required documents within date specified – As per clause xii of the notification bearing No. E(1)30/2008/PSC dated 11.04.2008 inviting applications for Group A & B posts in State Civil Services, applicants were required to submit caste and income certificate, which was obtained between 24.05.2003 and 23.05.2008, along with application before the last date for submission of application for preliminary examination – Applicant submitted the said certificate only after obtaining it on 28.05.2008, because of delay on part of Tahsildar in issuing said certificate – However, her application to appear for main examination came to be rejected by KPSC – Whether in the circumstances, rejection of application by KPSC by issue of endorsement dated 30.04.2009 calls for interference? No.	381 to 386

	Held that where a candidate fails to produce requisite documents on the date fixed for such production as required by conditions stipulated in advertisement, KPSC is well within its right to reject applications irrespective of the difficulties faced by candidates in producing documents.	
Chapter-VIII	Competitive Examination	
(i)	Whether merely on ground that questions set out are alleged to be similar or having resemblance to questions found in particular guide/reference books selections made by Public Service Commission can be interfered with? No.	793 to 803
Chapter-IX	Creamy Layer Policy	
(i)	Whether Government Order raising income limit from Rs. 2 lakhs to 3.5 lakhs can be directed to be given retrospectively so that the benefit of Government Order can be had by the petitioners? No.	432
(ii)	Whether creamy layer policy as contained in Government Order dated 30.03.2002 applies to inservice Group 'B' Assistant Engineers, falling under II A, II B, III A and III B categories, who applied for posts of Assistant Executive Engineers Division-I under 2007 Rules? – Whether rejection of candidature of applicants by KPSC on ground that they attract creamy layer policy of Government Order dated 30.03.2002 proper? – Whether interpretation of Note (1) of G.O. dated 30.03.2002 by Public Service Commission or KAT is correct? – Held that interpretation put in by KAT is correct.	331 to 380
Chapter-X	Documents and Certificates	
(i)	Submission of incorrect documents/certificate along with application for appointment - Imposition of penalty of debarring petitioners for 10 years from participating in selection – Petitioner, candidate for appointment to post of Ayurvedic Medical Officer submitted certificate on completion of compulsory rotational internship issued by the Principal of	204 to 208

	<p>Autonomous Government Ayurvedic College and Hospital to the effect that he had completed the said internship from 25.10.2005 to 26.10.2006 – On verification it was found that the petitioner had completed the said course from 25.10.2005 – 06.11.2006 and for which lapse after conducting enquiry, as was necessary, he was debarred for a period of 10 years from appearing in any examination conducted by Chattisgarh Public Service Commission – Documents/Certificate submitted by the petitioner being neither fake nor forged but only incorrect one, whether quantum of punishment imposed can be said to be commensurate with lapse on part of the petitioner? No – Whether it calls for interference? Yes – Order imposing penalty modified and reduced to two years – Order imposing penalty treated as non-stigmatic.</p>	
(ii)	<p>Submission of caste certificate within stipulated period – Petitioner did not submit caste certificate before last date fixed for submission of application i.e. 23.05.2008, as mandated by clause xii of the notification inviting applications, as she obtained certificate only on 28.05.2008 – Consequently, K.P.S.C. did not allow the petitioner to appear for main examination, though was allowed to appear for preliminary examination - Condition contained in clause (xii) of notification being mandatory whether refusal to permit petitioner for main examination may be found fault with? No. Whether Public Service Commission, having permitted her to appear for preliminary examination is estopped from disallowing her from appearing for main examination? No.</p>	387 to 390
Chapter-XI	Deemed Date	
(i)	<p>Deemed date of appointment and pay & allowances – Applicant could not join duty along with his batch mates, when they joined duty between 16.09.2003 and 04.12.2003 for no fault on his part but only on 17.10.2005 because of pendency of litigation before court connected with recruitment – Whether the applicant, in the circumstances, entitled for benefit of deemed date of appointment and consequential stepping up of pay and benefit of old pension rules? Yes</p>	81 to 88

Chapter-XII	Declaration of Validity of M. Phil Degree	
(i)	Whether Court or Tribunal can declare validity of M. Phil degrees awarded by Universities located in Tamil Nadu, through distance education mode, having study centers in State of Karnataka? No.	486 to 533
Chapter-XIII	Domicile	
(i)	Whether petitioner, whose father belongs to undivided Uttar Pradesh and after its bifurcation allotted to Uttarakhand State, can be said to be domicile of Uttarakhand? Yes.	971 to 981
Chapter-XIV	Eligibility Criteria	
(i)	Whether appointment can be denied to the petitioner, who was recommended for appointment to the post of Assistant Professor Mechanical Engineer, by Public Service Commission, on his possessing prescribed qualification (Master Degree + 5 years teaching experience and subject to acquiring Ph.D degree within 7 years from date of appointment) as per advertisement of Public Service Commission dated 22.06.2007 and corrigendum dated 17.08.2007, on ground that he does not possess Ph.D degree which came to be prescribed by AICTE vide its notification dated 05.03.2010/14.05.2010 and came to be adopted by Jharkhand Government vide notification dated 31.03.2012, long after petitioner was selected on 07.09.2011? No.	305 to 310
(ii)	Appointment to post of Civil Judge (Junior Division) under Jharkhand Judicial Service – Petitioner, aspirant for post of Civil Judge (Junior Division), was not able to fulfill one of the eligibility criteria of enrolling as an advocate under the Advocates Act, 1961, on account of delay on part of State Bar Council Jharkhand, in enrolling her before last date fixed for submitting applications and therefore seeks directions to accept her application by J.P.S.C. pending fulfillment of eligibility criteria of enrolling as an advocate – Requirement of Rule 5(b) of Jharkhand Judicial Service (Recruitment) Rules, 2004 being that a candidate should be a graduate in	311 to 313

	<p>law from a recognized University and enrolled as an Advocate under the Advocates Act, 1961 for applying to post of Civil Judge (Junior Division), merely because petitioner was not able to get enrollment certificate as an Advocate and fulfill eligibility on account of delay on part of State Bar Council and for no fault on part of petitioner, directions can be given to Public Service Commission to accept her application? No.</p>	
(iii)	<p>Whether it is enough if the eligibility criterion of possession of ‘valid driving licence’ is satisfied on the last date for receipt of application or it should exist throughout the selection process and thereafter? - Whether Public Service Commission was justified in removing name of respondent from select list? Yes. By following decision of Hon’ble Kerala High Court in Maheen v. State of Kerala, reported in 2013(3) KLJ 639, held that ‘current driving licence stipulated in notification be read as ‘current and valid’ driving licence during entire selection process and upheld action of removing the name of respondent from select list by reversing decision of single Judge bench.</p>	587 to 591
Chapter-XV	Estoppel	
(i)	<p>Whether appellant, candidate for selection to post of Civil Judge (Junior Division), who participated in the selection process knowing fully well that possession of basic knowledge in computer operation is a must, as contained in rules of recruitment, advertisement inviting applications and notification publishing results of successful candidates in written examination and the interview call letter may turn around and challenge his non-selection contending that bench mark provided for judging suitability of persons in computer operation is vague there being no proper guidelines for judging the said competency and suitability? No. Held that appellant is estopped and precluded from questioning his non-selection</p>	961 to 970
(ii)	<p>Recruitment to posts of Lecturers in Collegiate Education Department – Petitioners are those persons who are aspiring for the post of Lecturers in various disciplines, and are basically aggrieved by the KPSC not adhering to its own stipulation</p>	486 to 533

	<p>indicated in its notification and the recruitment rules governing the adding of weightage marks and KPSC has not followed uniform procedure/method in respect of all applications and in processing them petitioners, though contend that M. Phil degrees awarded by Distance Education mode are not valid degrees, but do not seek relief in respect of validity of such degrees and urge that KPSC should not have acted on the basis of such suspect degrees – Whether in the circumstance, only on the ground that writ petitioners are those who had undergone very selection process and failed to get themselves selected, are they estopped from challenging selection of respondents? No.</p>	
(iii)	<p>Contention that some of the petitioners not only appeared in written exam but also participated in interview and approached Court after they failed to be selected and therefore estopped from challenging selection whether tenable? No.</p>	878 to 921
Chapter-XVI	Equivalence of Qualification	
(i)	<p>Declaration of B.E. Transportation Engineering as equivalent to B.E. Civil Engineering – Authority competent to issue declaration of equivalence of qualification – Petitioner, possessing B.E. in Transportation Engineering applied for the post of Assistant Engineer (Civil) on the strength of certificate issued by Visveswaraya Technological University that B.E. Transportation Engineering is academically equivalent to B.E., Civil Engineering – Karnataka Public Service Commission refused to accept the certificate issued by the said University with regard to equivalency of qualification and insisted on declaration issued by Government of Karnataka, to consider his application – Whether, improper ? No. Held that as per Rule 2(h) of Karnataka Civil Services (General Recruitment) Rules, 1977 declaration of equivalence of qualification has to be issued by Government and University is not competent to issue declaration of equivalence of qualification.</p>	399 & 400

Chapter-XVII	Ex-Servicemen	
(i)	Whether in absence of provision in relevant Recruitment Rules for reservation or relaxation in favour of ex-servicemen category persons, Courts can grant such reservation de hors the Recruitment Rules? No.	623 to 628
Chapter-XVIII	Evaluation	
(i)	Whether on mere fact that some of the candidates who cleared preliminary examination could not pass the main examination an inference could be drawn on that method of moderation adopted for evaluation of answer sheets by UPSC is faulty, in the absence of sufficient material to substantiate it? No.	33-46
(ii)	Whether method of evaluation of written papers adopted, as per Schedule 'B' of 2006 Rules, for evaluating performance of candidates by conversion of numerical marks into grade in a seven point scale with grade value, when the written papers are valued by a single examiner can be said to be appropriate one? No.	699 to 711
(iii)	Whether merely on ground that candidates have performed better in one particular subject, can an inference be drawn that evaluation in certain subject gives an edge over other subjects? No.	470 to 481
Chapter-XIX	Examination	
(i)	Whether imposition of restriction on number of attempts by general category candidates aspiring for Indian Administrative Service by Regulation 1955 to appear for Civil Services Examination when no such restrictions are imposed in respect of other examinations conducted by U.P.S.C. amounts to hostile discrimination and thus infringement of fundamental rights? No. Different number of attempts provided to general category candidates and OBC and SC/ST candidates, is a case of classification and it cannot be said to be a case of discrimination.	11 to 15

(ii)	Whether UPSC having accepted the application and allowing the applicant to appear for written examination though submitted belatedly can at a later date endorse that her candidature has been rejected on ground of delay in submission of application and for want of departmental endorsement without giving her an opportunity to have her say in the matter? No.89 to 94	89 to 94
(iii)	Problematic questions and answers in preliminary examination – Hon’ble Apex Court observed that main examination for recruitment to Grade-I posts under Andhra Pradesh State Civil Service was conducted on basis of results of preliminary examination in which, even after scrutiny by expert committee, 6 out of 150 questions and their answers are found to be problematic – Held that it would be unfair to candidates whose results are decided on basis of said six questions – Directions issued to recount marks secured from the answer books written by all the candidates on basis of 144 questions after deleting 6 problematic questions and main examination conducted afresh on basis of results in the preliminary examination taking into consideration 144 questions only.	97 & 98
(iv)	Whether steps taken by Chhattisgarh Public Service Commission in deleting defective questions from question paper and allotting pro-rata marks to unsuccessful candidates, on basis of report of expert committee constituted in relation to disputed questions, are just and reasonable? Yes.	209 to 226
(v)	Invalidation of answer sheets – Petitioner, Diploma holder in Mechanical Engineering applied for post of Motor Vehicles Inspector Grade-II, for which qualification prescribed being possession of Diploma in, either Mechanical Engineering or Automobile Engineering, but wrote examination in Automobile Engineering subject contrary to note (i) of para (6) of Notification dated 25.06.2012, inviting applications which require writing of examination only in the subject in which qualification has been obtained by the candidate – On noticing that the petitioner had written examination in Automobile Engineering, the subject in which he did not possess qualification, his answer sheets were invalidated – Whether	934 to 936

	<p>in the circumstances action of Tamil Nadu Public Service Commission in invalidating answer sheets of written examination can be said to be illegal despite the fact that Diploma in Mechanical Engineering is equivalent to Diploma in Automobile Engineering? No.</p>	
(vi)	<p>Re-valuation of answer scripts and re-tabulation of marks pertaining to Madhya Pradesh Civil Services Preliminary Examination – Madhya Pradesh Public Service Commission admits in the affidavit that marks have been allotted on basis of wrong answers reflected in model key answers but reluctant to rectify the mistake on plea that court is not competent to re-appreciate answers provided in model answer key; and discrepancy, if any, in framing question of answer key was for all and not for petitioner only; and court cannot act as an appellate authority to examine correctness or otherwise of questions/answers/authenticity of books based on which model answers key is prepared – Court, aware of its limitations in interfering in such matters, in order to do complete justice, referred the matter to the Principal Secretary to G.A.D. to report on the matter of discrepancy in evaluation of answer scripts – Based on the report directed inter alia to the Public Service Commission to re-evaluate answer scripts of entire Preliminary Examination and to re-tabulate the marks of the examination, as follows:</p>	636 to 647
(vii)	<p>Evaluation of answer scripts of combined competitive examination conducted for recruitment to posts under State Civil Services – Methods of evaluation to be adopted to avoid anomalies arising out of selection of different optional subjects (scoring/non-scoring) for writing examination and evaluation of answer scripts by different evaluators – Whether scaling down or moderation method? Whether Courts can, in exercise of its power of judicial review, weigh desirability of adoption of one or the other method of evaluation adopted by examining authority? No.</p>	173 to 178
(viii)	<p>The RPSC being an expert body in matter of recruitment to post under State Civil Service, whether High Court in exercise of power of judicial review, sit in judgment over decision taken</p>	

	by the Commission, and to substitute its judgment to that of RPSC? Whether RPSC has committed any error in accepting report of committee of experts and publishing revised select list dated 20.09.2012? No.	849 to 871
(ix)	Whether RPSC is justified in weeding out answer sheets of examination conducted after three months from date of declaration of results, merely on ground that their regulation provides for weeding out/destruction of records of examination, when litigations are pending before courts challenging selection? No.	
(x)	Question paper setting and key answers in respect of conduct of examination for selection to post of Teacher Grade-II – High Court observed repeated instances of framing wrong questions or incorrect options of answers in the answer key in the examination conducted by Rajasthan Public Service Commission and consequential increase in litigation before it – Besides this, it was also observed that even reports of Committee of experts by RPSC and High Courts were not consistent in respect of discrepancy in preparation of question papers and key answers. Ultimately, to set at rest dispute one more committee of experts as suggested by petitioners was appointed and on basis of its report result was announced – In order to avoid repetitions of such instances, Hon'ble High Court suggested mechanism in preparation of question papers and key answers.	817 to 820
(xi)	Whether merely on ground of translation mistakes in Kannada version of question papers can it be said that candidates who wrote civil services examination in Kannada version were handicapped and because of which candidates who had written examination in English version had an edge over them, when quality of standard of translation was not such that one does not understand the meaning behind those questions after one compared them with English version available on back of each such question paper and when immediately after detecting the translation mistakes they were corrected and extra grace time was given to candidates to compensate time that had been lost? No. – Whether in the circumstances the	472 to 481

	said lapse can be held to be sufficient to affect performance of candidates so as to order for cancellation of whole examination process and order for re-examination? No.	
(xii)	Postponement of schedule of civil services main examination fixed for selection of Gazetted Probationers – Public Service Commission issued notification dated 03.11.2011 inviting applications to fill up posts of Gazetted Probationers – Preliminary examination was completed on 22.04.2012 and eligibility list for main examination was published on 06.06.2012 and schedule for main examination was fixed between 25.08.2012 and 14.09.2012. On account of stay of High Court examinations schedule was announced after vacation of stay on 17.11.2012 – Some of the applicants requested for postponement of examinations on ground that dates of examination for selection to post of Range Forest Officers, are clashing with civil services examination also that the dates overlap with UGC and other examinations – KPSC after examining requests issued a press statement declining to postpone examination already scheduled – Whether in the circumstances, decision of KPSC in not re-scheduling examination date is arbitrary? No.	456 to 465
Chapter-XX	Family Income	
(i)	Whether the action of the Caste and Income Verification Committee in rejecting to issue verification certificate on ground that the family income of the petitioner exceeds limit of Rs. 2 lakhs, by taking into consideration pay of the petitioner, valid? No.	534 to 537
Chapter-XXI	Guest Lecturers	
(i)	Whether in absence of specific provision in sub-rule (a) of Rule 6B of Karnataka Education Department Services (Collegiate Education Department) (Special Recruitment) Rules, 1993 to award weightage marks to ‘Guest Lecturers’ on par with part time Lecturers, Karnataka Public Service Commission can award weightage marks to them? No.	486 to 533

Chapter-XXII	Impleading	
(i)	Whether order of Tribunal annulling selections, while deciding applications for interim relief, without insisting to implead selected candidates as parties, by merely indicating that appointments made henceforth will be subject to final adjudication of original application, sufficient to relieve petitioners of obligation to implead selected candidates as parties? No.	470 & 471
Chapter-XXIII	Interview	
(i)	Whether in absence of specific provision for fixation of cut off marks in interview in the Procedure and Conduct of Business Rules, 2007, can Commission in exercise of its residuary powers under 2007 Rules fix cut off marks for interview? Yes.	990 to 995
(ii)	Whether procedure of signing marks sheet containing marks obtained by candidates by Chairman of the board of selection and not by all members constituting board, good and a fair practice? No.	
(iii)	Whether fixation of interview as sole criterion for selection for adjudging merit or eligibility of candidates can be said to be fair and just method of selection? No. – Directions issued to alter selection criteria for warding of chances of arbitrariness and favouritism in selection by interview as sole criterion.	
(iv)	Ratio of candidates to be invited for personality test – Assam Public Service Commission conducted written test for recruitment to 280 vacancies for Assam Civil Services and Allied Services as per APSC Combined Competitive Examination Rules, 1989. Thereafter, shortlisted 582 candidates for personality test on basis of performance of candidates in written exam, which roughly works out in the ratio of 1:2. Petitioners, who failed to come within 582 candidates selected for personality test, challenged the said ratio fixed contending that it should be in the ratio of 1:4 as	

	<p>done in the recruitment held during 2006 – In absence of specific provision in 1989 Rules, about ratio of candidates to be called for interview, APSC in its meeting held on 07.03.2013 decided to fix ratio of 1:2 by taking into consideration provisions of Assam Fiscal Responsibility and Budget Management Act, 2005 and practice in vogue in Union Public Service Commission and other State Public Service Commissions with a view to select best candidates by having lesser pool of candidates – Whether such decision of APSC, in the circumstances, in limiting candidates for interview in the ratio of 1:2 can be said to be unreasonable and unjustified? No.</p>	
(v)	<p>If the Gujarat Public Service Commission arrives at the decision, on scrutiny of documents furnished by the petitioner, that he does not fulfill requisite eligibility criteria of possession of experience of three years in the field of social work, and disqualified him from participating in interview, can it be said that the decision of Public Service Commission suffers from vice of illegality, irregularity or arbitrariness so as to warrant interference of Court in exercise of its power of judicial review? No.</p>	243 to 250
(vi)	<p>Interview intimation – Applicant did not receive interview letter because of lapse on part of KPSC in writing correct/sufficient address, as furnished by him, on interview letter. On learning through website and paper notification published by the Commission to the effect that interviews will be held between 27.07.2009 and 29.07.2009 and those who do not receive interview letters may approach authorities of the Commission, applicant approached KPSC authorities on 29.07.2009 and requested for giving him interview – His request was rejected on ground that he did not attend interview, on the date fixed for interview i.e. on 27.07.2009 – Plea of Public Service Commission for rejection of interview that applicant ought to have appeared for interview, on 27.07.2009, seeing publication in website, when its paper notification makes it clear that candidates who do not receive intimation letter may approach office of Public Service Commission, Whether justifiable? No.</p>	572 to 576

(vii)	<p>Postponement of interview in respect of recruitment to posts of Gazetted Probationers, till election process to State Assembly are over – State Election Commission, in its letter dated 05.03.2009, clarifies that KPSC being a statutory authority it may continue recruitment process during election process and only recruitment through non-statutory bodies would require prior clearance from the Election Commission – However, Government in its letter dated 02.04.2013 requests the Public Service Commission to stop interviews until election process are over, and if interviews are proceeded with it will be presumed that with a particular intention interviews are being conducted – Acceding to consistent letters of Government Public Service Commission postpones interviews – Whether, KPSC being a statutory authority and there being no hurdles from Election Commission to continue recruitment process, merely on direction of State Government, KPSC is bound to postpone recruitment process? No. Held that KPSC is not bound to postpone interview – In view of specific reasons if KPSC postpones interviews, it is justifiable.</p>	482 to 485
(viii)	<p>Postponement of interviews – In absence of mala fides, whether candidates for recruitment have right to challenge administrative decision taken to postpone interviews? No.</p>	
Chapter-XXIV	Inservice Candidates	
(i)	<p>Whether Assistant Engineers working in WRDO can be considered as “in service” candidates for limited purpose of recruitment to post of Assistant Executive Engineers, Division-I, under Karnataka Public Works Engineering Department Service (Recruitment of Assistant Executive Engineers Division-I, by competitive examination) Rules, 2007? Yes. – Held that as there being no bifurcation of Irrigation and Public Works Department as understood in law and common seniority list is prepared, maintained and operated for purpose of promotion, the Assistant Engineers working in WRDO are eligible to apply against inservice posts notified under 2007 Rules.</p>	331 to 380

Chapter-XXV	Interim Relief	
(i)	By virtue of grant of interim relief by Central Administrative Tribunal as well as High Court on sympathetic ground, respondents appeared for written test (main) as well as personality test and the final results were retained in sealed cover, though the respondent had no right to take any of the examinations – Grant of interim order resulted in increased work load on Public Service Commission but also gave false hope to the candidates approaching the Court – Whether in the circumstance, Central Administrative Tribunal/High Court can be said to be justified in granting interim relief? No.	16 to 27
Chapter-XXVI	Jurisdiction	
(i)	Whether KAT has jurisdiction if the grievance of applicants before the Tribunal was in respect of illegal selection for deviating from the very conditions indicated in the notification and the rules? Yes.	486 to 533
Chapter-XXVII	Key Answers	
(i)	Whether Court can sit in appeal over opinion of expert committee and determine correctness of answers or otherwise, when answers in respect of questions in dispute are examined by expert committee and came to the conclusion that no change is required in the answer? No.	667 to 669 810 to 816
(ii)	Whether the Tribunal can in exercise of its power of judicial review, enter into the area of examining correctness of the opinion expressed by the expert committee and record a finding that the opinion given by the expert committee is incorrect? No.	684 to 690 810 to 816
Chapter-XXVIII	Locus Standi	
(i)	Whether Karnataka Public Service Commission has locus standi to challenge orders of KAT holding that Government	331 to 380

	Order dated 13.02.2001 which brings general merit (Rural) candidates under creamy layer and prescription of Form-1 is violative of Section 3 of Karnataka Reservation of Appointments of posts (in the civil services of the State) for Rural candidates Act, 1977 and Rule 6(3)(b) of K.C.S. (General Recruitment) Rules, 1977 are applicable in matters of age relaxation, even when Government of Karnataka accepts the said orders and seeks to implement it? Yes.	
Chapter-XXIX	Method of Evaluation	
(i)	Whether candidates can seek directions for adoption of particular method of evaluation contending that present method adopted is not proper? No. – Held present method of evaluation being neither arbitrary nor discriminatory, held that no such directions could be given.	472 to 481
Chapter-XXX	Maintainability	
(i)	If preparation of select list is flawed due to violation of relevant rules or not adhering to published conditions/stipulations? Whether such actions are amenable to judicial review? Yes.	486 to 533
Chapter-XXXI	Necessary Parties	
(i)	Non-joinder of parties – Writ petitioners, unsuccessful candidates in examination conducted for selection to posts of ADPO, challenged select list of candidates in written examination, inter alia on ground of discrepancy in question paper setting and answer key without arraigning successful candidates in select list. When writ petitioners were afforded opportunity to implead successful candidates, they decline to do so on ground that final results for issuing appointment order has not been released, after conduct of personality test, and, therefore, they cannot be held to be necessary parties – In the circumstances whether can it be said that successful candidates in written examination are not necessary parties and in their absence writ petitions can be decided? No. - Challenge in the present writ petition being to select list of candidates in written examination, which was prepared in spite	193 to 203

	of discrepancies as alleged, any adverse decision taken at the back of successful candidates would substantially affect them and therefore held they are necessary parties – Writ petition, dismissed for non-joinder of necessary parties.	
(ii)	Maintainability of writ petitions on ground of non-joinder of parties – Contention that selected candidates are not made parties and writ petitions are not maintainable or liable to be rejected - whether tenable when select list is yet to be published? No.	416 to 421
Chapter-XXXII	Physically Handicapped Persons	
(i)	Whether Commissioner for Disabilities appointed under Section 60 of the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, has powers to suo motu order for stalling of recruitment process in progress initiated by Karnataka Public Service Commission on purported ground of not making adequate reservation in favour of the physically disabled persons? - No.	566 to 571
(ii)	P.H. backlog vacancies have to be calculated from 1996 i.e., the date of coming into force of Persons with Disability (Equal Opportunities, Protection of Rights and Full Participation) Act, 1992.	3 to 10
Chapter-XXXIII	Promotion	
(i)	Whether in absence of mala fides or irregularity in the relative assessment made by Selection Committee, the Tribunal has jurisdiction and power to re-assess relative merit of respondent and other private respondents and to order for re-convening Selection Committee for re-assessment merits of respondents? No. Whether High Court of Calcutta was right in refusing to interfere with orders of Tribunal? No.	65 to 76
(ii)	D.P.C., on comparative merits of candidates, on basis of material available before it, finds that officers who were	251 to 267

	recommended for promotion were more meritorious, than others and if petitioner fails to point out any error apparent on face of records so as to establish that grading given by D.P.C. to officers under consideration for recommendation was contrary to statutory rules, whether merely on ground that juniors of petitioner were recommended for promotion by itself vitiates D.P.C. proceedings warranting judicial interference? No.	
Chapter-XXXIV	Public Interest Litigation	
(i)	Whether Public Interest Litigations are maintainable before courts in respect of service matters? No.	634 & 635
Chapter-XXXV	Public Service Commissions	
(i)	Duty and obligation of Public Service Commissions to produce original documents/records pertaining to selections before judicial forum when records are called for – Held that Public Service Commissions being instrumentalities of State entrusted with task of making selections for civil posts, are required to produce records pertaining to selections before judicial forum to show its transparency in matters of selection made – Misplacement of selection records which are just about 1-2 years old when cases pertaining to selections are pending in Courts is deprecated.	620 to 622
Chapter-XXXVI	Qualification	
(i)	Whether Diploma qualification awarded by National Institute of Fashion Technology, in the years 2000-2003 & 2002-2005, prior to coming into force of the National Institute of Fashion Technology Act, 2006, which empowers it to grant Degree/Diploma/Certificates with effect from the date of coming into force of the Act, can be treated on par with Bachelor Degree in Textile/Handloom, on the basis of a certificate issued by the said institute dated 27.09.2007? No.	101 to 106

	Whether APPSC is justified in rejecting the candidature of petitioners on ground that the qualification possessed by them is not equivalent to qualification prescribed for the post? Yes.	
(ii)	Prescribed qualification - Qualification prescribed in the notification inviting application for appointment to post of Junior Engineer (Mechanical) being possession of qualification of Diploma in Mechanical Engineering, whether denial of interview to the petitioner who is possessing qualification of Diploma in Automobile Engineering and who claims equivalence of qualification with Diploma in Mechanical Engineering on basis of certificate issued by B.I.T. Mesra to effect that 80% of syllabus covered in Diploma in Automobile Engineering is same as in Diploma in Mechanical Engineering, can be said to be arbitrary and improper? No.	302 to 304
(iii)	Whether prescription of certain qualification for recruitment to post of Assistant in the Administrative Secretariat, by executive order pending amendment to Kerala Secretariat Subordinate Service Special Rules, 1967 can be interfered with by Courts in exercise of their power of judicial review under Article 226 of the Constitution? No.	579 to 583
(iv)	Date of fulfillment of eligibility criteria of possession of prescribed qualification – Whether it should be on last date fixed for filing applications or on date of declaration of results of selection? Held that one must possess requisite qualification on the last date for submission of application form.	996 to 1000
(v)	Whether Courts or Tribunal are competent to declare equivalence of qualification? – No.	448 to 455
(vi)	Whether Tribunal can direct Government to amend recruitment rules so as to insert M.Sc., Life Science as one of the qualifications for post of Lecturer in Biology? No.	
Chapter-XXXVII	Question Paper	
(i)	Question paper setting /preparation – Frequent allegations on preparation of question paper and answer key coming up before the High Court – Held that Commission cannot take	793 to 803

	shelter under maintenance of secrecy for such mistakes - Directions issued to the Commission to come out with guidelines to paper setters to avoid mistakes in preparation of question papers.	
Chapter-XXXVIII	Recruitment	
(i)	Whether quashing of entire selection process without impleading selected candidates when methodology of moderation adopted in evaluation of answer sheets is challenged, which if allowed would result in quashing of entire selection process, is an error? No.	33-46
(ii)	Whether UPSC was justified in recommending names of only 03 candidates from the reserve list for appointment as Section Officer in the Central Secretariat Service as against requisition of Department of Personnel and Training for recommending to fill up 06 vacancies that occurred on account of non-joining to duty by candidates selected for appointment in the main list even though requisition was made within reasonable time and equally placed candidates in merit list were available on the ground that as a policy decision reserve list has to be operated only in respect of repeat/common candidates who are three in number? No.	56 to 64
(iii)	Recruitment to post of Section Officer Arunachal Pradesh Secretariat Service by conduct of limited departmental competitive examination – Applicability of Government O.M. No.54/2006 dated 07.01.2008 to the effect that candidates securing minimum of 33% or more marks in each written paper and securing 45% marks in aggregate to be eligible for viva voce test for selection to post of Section Officer by direct recruitment – Arunachal Pradesh Public Service Commission published results of written examination conducted for recruitment to post of Section Officer on 15.09.2008 keeping in view Government O.M. dated 07.01.2008 in which petitioner was qualified for viva voce test, - However, the Commission revised the results of written test by lowering eligibility criteria without applying Government O.M. dated	107 to 122

	<p>07.01.2008 on ground that the said O.M. applies only to direct recruitment by open competition and not to recruitment based on 'Limited Departmental Competitive Examination' by which 3 more candidates were added to the eligibility list, who were not qualified as per the O.M. dated 07.01.2008, thereby chances of selection of petitioner diminished – Recruitment to post of Section Officer having been held under Arunachal Pradesh Secretariat Recruitment to the post of Section Officer Rules, 2004 wherein no power has been given to recruiting authority to fix any cut off marks for eligibility in respect of written test and O.M. dated 07.01.2008 which came into force prior to issue of notification dated 31.03.2008 inviting application for recruitment to said posts by implication fixed minimum cut off marks for eligibility for 'direct recruitment', under which posts of Section Officers are also covered - Whether in the circumstances APPSC justified in revising the eligibility list without applying O.M. dated 07.01.2008 which does not apply to recruitment under 'Limited Departmental Examination'? No.</p>	
(iv)	<p>Recruitment to posts of Panchayat Development Officers (PDO) under Karnataka General Service (Development Branch and Local Government Branch) (Recruitment of Panchayat Development Officers (Special) (Recruitment) Rules, 2009 – Chief Executive Officers of various Districts in the State, the Appointing Authorities under 2009 Rules, entrusted work of selection of PDO to Karnataka Public Service Commission, the selection authority – Public Service Commission by notification dated 18.03.2011 invited applications to fill up posts of PDO in respect of 29 districts by one common entrance test, with one of the conditions of notification being that the candidates can apply for one district of his choice in the entire State – Whether such a condition in the recruitment notification is unreasonable and violative of Articles 14 and 16 of Constitution of India? No.</p>	433 to 439
(v)	<p>Whether High Court of Uttaranchal committed an error of jurisdiction, in directing Uttaranchal Public Service Commission to prepare select list of Junior Engineers by adding ten bonus marks to marks obtained in written examination and personality</p>	939 to 954

	<p>test in respect of trained apprentice candidates, by construing that Uttaranchal Subordinate Engineering Services (Emergency Direct Recruitment) (First Amendment) Rules, 2003, which provides for adding weightage of 10 bonus marks in the recruitment held to the post of Junior Engineer, has been issued amending Uttaranchal Subordinate Engineering Services (Emergency Direct Recruitment) Rules, 2001 which became ineffective with effect from 11.11.2002? Yes.</p>	
(vi)	<p>Withdrawal of posts notified for recruitment on substantive basis to accommodate contractual candidates on adhoc basis without due publicity – Government of Uttarakhand requested Uttarakhand Public Service Commission to set in motion recruitment process for appointment to 564 post of Ayurvedic Chikitsaks on substantive basis. Accordingly UPSC issued notification inviting application to fill up 564 post of Ayurvedic Chikitsaks. However, subsequently, Government on 04.11.2010 took a decision to withdraw 227 posts of Ayurvedic Chikitsaks from the purview of Uttarakhand Public Service Commission in order to utilize those vacancies to accommodate contractual Ayurvedic Chikitsaks on adhoc basis, without giving any publicity to the decision taken in the behalf – As per provisions of Uttarakhand Ayush (Ayurvedic & Unani) Department Group ‘B’ Services Rules, 2010, appointment to post of Ayurvedic Chikitsaks being by direct recruitment on substantive basis, whether decision of Government of Uttarakhand, in withdrawing 227 posts of Ayurvedic Chikitsaks from purview of UPSC, which were notified for recruitment, for utilizing them to accommodate contractual Ayurvedic Chikitsaks as adhoc Ayurvedic Chikitsaks, that too, without giving publicity can be said to be in public interest? No. – Whether such a decision is sustainable in law? No.</p>	982 to 989
Chapter-XXXIX	RIGHT TO INFORMATION	
(i)	<p>Whether Central Information Commission could direct UPSC for disclosure of personal information of candidates selected for appointment in absence of recording finding to the effect</p>	77 to 80

	that it was in larger public interest to disclose such information and there being no claim in the application seeking information that larger public interest is involved in disclosing information sought for? No.	
(ii)	Whether Chief Information Commission and High Court have committed serious illegality in directing Union Public Service Commission to furnish personal information/details of third parties, i.e., candidates who competed with the applicants before the Chief Information Commission, which was held in fiduciary capacity, the disclosure of which does not serve any larger public interest? – Yes.	47 to 55
(iii)	Whether Arunachal Pradesh Public Service Commission is justified in denying copies of answer scripts and mark sheets of other candidates on ground that information sought for is purely personal information and there exists fiduciary relationship between candidates appearing for competitive exam and APPSC and hence exempted from disclosure under Section 8(1)(e) & 8(1)(j) of R.T.I. Act 2005? No.	149 to 160
(iv)	Whether Karnataka Public Service Commission can refuse to furnish copies of evaluated answer books to respondents on ground that there are no rules compelling it to provide such information? No.	
(v)	Furnishing copies of evaluated answer books of third parties – Whether Karnataka Public Service Commission is bound to furnish copies of evaluated answer scripts of third parties, as directed by the State Chief Information Commissioner? No.	443 to 447
(vi)	Whether Public Service Commission is bound to furnish names of paper setters as well as examiners to private respondents? No.	
(vii)	Whether Information Commission has powers to enquire into correctness of information furnished? No.	693

Chapter-XL	Rejection of Application	
(i)	Deviation in procedure for filing application – Karnataka Public Service Commission issued notification inviting application for appointment to post of Lecturer in Mechanical Engineer in Government Polytechnics by online method, but applicant – candidate did not submit the same in online mode – K.P.S.C. rejected his application on ground that he did not file application as per stipulation contained in notification inviting application – Whether action of KPSC in rejecting application can be found fault with? No.	427 to 431
(ii)	Failure to enclose grade point conversion percentage certificate along with application form – Karnataka Public Service Commission rejected the application of applicant - candidate for selection to post of Lecturer in Government First Grade Colleges in the Department of Collegiate Education on ground of non-enclosure of grade point conversion percentage certificate, as required under the instructions contained in information booklet – Contention of the applicant that before rejection of application it was not conveyed to him and it is not mandatory to enclose the said certificate as the KPSC was well acquainted with scoring pattern – KPSC required to prepare a list of names of eligible candidates for interview in order of merit on the percentage of marks secured in the Masters Degree and for which purpose certificate of grade point conversion very essential, whether in the circumstances there is any illegality in rejection of application? No.	422 to 426
Chapter-XLI	Reservation	
(i)	P.H. backlog vacancies have to be calculated from 1996 i.e., the date of coming into force of Persons with Disability (Equal Opportunities, Protection of Rights and Full Participation) Act, 1992.	3 to 10
(ii)	Whether Karnataka Public Service Commission was justified in rejecting request of petitioner for modification in reservation category from II A KMS Rural to II A KMS, if petitioner,	466 to 469

	<p>immediately after publication of provisional select list, on coming to know that he does not belong to Rural category, by submitting a representation, requested for modification, merely on ground that once a candidate seeks reservation under a particular category, he shall not seek modification, when the recruitment process is in progress? No. – Whether reasoning given by Karnataka Administrative Tribunal for issuing directions to modify reservation category of the petitioner is just and reasonable? Yes.</p>	
(iii)	<p>Production of original caste certificate to claim reservation – Petitioner failed to produce original 2A caste certificate dated 27.08.2007, a copy of which was enclosed along with application, but produced a different one dated 10.12.2007, at the time of interview, contrary to conditions mentioned in employment notification as well as interview call letter and the request of petitioner to produce the original 2A caste certificate after interview was over was rejected. Consequently, petitioner was considered under GM category and was not selected – Whether in the circumstance can it be said that KPSC has committed any illegality and irregularity in not acceding to request of petitioner? No. Whether the Public Service Commission is right in rejecting request for extension of time to produce caste certificate? Yes.</p>	408 to 410
(iv)	<p>Working out limitation of 50% of post in reservation – Whether it should be worked out on basis of total number of advertised posts or on basis of total number of posts available in the service? Held that it has to be worked out on basis of total number of posts available in the service.</p>	601 & 602
(v)	<p>Reservation in favour of woman to posts of Civil Judges Class-II under Madhya Pradesh Lower Judicial Service – Method of working out reservation in favour of woman in Madhya Pradesh Judicial Service - Held that reservation in favour of woman in lower judiciary of Madhya Pradesh has to be worked by making provision in the Madhya Pradesh Lower Judicial Service (Recruitment & Conditions of Service) Rules, 1994 or by executive instructions by taking into consideration requirement of service and existing representations of woman</p>	603 to 606

	in judiciary keeping in view observations of Court in Rajneesh Kumar Jain v. State of M.P. and others, reported in 2000(1) MPLJ 272.	
(vi)	Whether, earmarking of 30% of vacancies in favour of woman candidates under Article 15(3) of the Constitution ‘as special provision’ can be equated with ‘reservation’ as provided under Art. 16(2) of the Constitution and consequently by applying principles of reservation, horizontal migration of reserve category woman candidates to general/open woman category is permissible? No.	829 to 848
(vii)	Calculation of quota meant for widow and divorcees to extent of 8% and 2% - Whether it should be worked out on post meant for woman candidates or on total number of posts? – Held that it has to be worked out on 30% of seats meant for women and not on total posts.	
(viii)	Reservation in favour of widow/divorcee/deserted woman – Computation of quota of 8% & 2% respectively earmarked in favour of widows and divorcees – Whether such quota has to be worked out on 30% quota earmarked for woman or by taking into consideration total number of posts advertised for recruitment? Held that such quota has to be worked out on total number of vacancies and not on 30% vacancies reserved for women.	872 to 877
(ix)	Whether Tamil Nadu Public Service Commission is right in rejecting application of petitioner, a Nadar Christian by birth, coming under backward community who had converted herself to Islam coming under ‘other communities’ considering her case under ‘other communities’ for purposes of benefit of maximum age limit, as she has crossed 30 years of age? Yes.	927 to 933
(x)	Reservation under Uttaranchal Female category – Petitioners, in response to advertisement inviting applications to recruit to posts of Review/Assistant Review Officers, filled in OMR application forms. Against column (6) & (8) meant for furnishing general information it was mentioned as Female, and domicile of Uttaranchal respectively. However, as against	957 to 960

	<p>column (12) and its sub-columns meant for claiming horizontal reservation, nothing was mentioned and left blank. Consequently, petitioners were not given the benefit under Scheduled Caste Uttaranchal female category and were not selected to take main examination even though less meritorious candidates under SC Uttaranchal Female category were selected – Whether in the circumstances, can it be said that Uttaranchal Public Service Commission has committed an error in not giving benefit of reservation to petitioners under SC Uttaranchal Female category? No. – Held that column No.9(2) & (3) of the advertisement clearly indicating that candidates were required to fill up reservation column and its sub-columns in order to avail benefit of reservation, and petitioner not having filled the said column have to blame themselves. Uttaranchal Public Service Commission has committed no error in not granting benefit of reservation.</p>	
Chapter-XLII	Re-Evaluation	
(i)	<p>Re-Evaluation of answer sheets – Method of re-evaluation – Spot evaluation by team of experts – With a view to maintain transparency in evaluation, directions issued to get answer sheets evaluated on the spot by a team of experts comprising of not less than three members. Each expert to give his own marks separately and after evaluation of answer sheets average of marks given by three experts shall be treated as final.</p>	281 to 283
Chapter-XLIII	Selection	
(i)	<p>Non-production of original caste certificate at the time of personality test – Applicant was selected for appointment to the post of Assistant Commercial Tax Officer under general merit Female category on her failure to produce original IIIB category certificate at the time of personality test – Request of applicant to produce original caste certificate belonging to III B Female category, subsequent to personality test and after publication of provisional select list and on which basis to consider her case for selection against post of Assistant Commissioner instead of A.C.T.O. was rejected by KPSC</p>	538 to 544

	<p>in view of stipulation in note (a) of personality test letter to the effect that, candidates will not be eligible for personality test if the requisitioned original certificates are not produced on the date and time of interview and under no circumstances candidates will not be allowed to produce original certificates and documents subsequent to date and time of personality test – Whether in the circumstances action of Karnataka Public Service Commission in rejecting request of applicant to produce original caste certificates after personality test was over and for selection against post of Assistant Commissioner under IIIB Female category can be said to be arbitrary and erroneous? No.</p>	
(ii)	<p>In absence of clear indication of reservation of vacancies in favour of physically handicapped category in the notification inviting applications, whether merely on ground there is mandatory provision in Disabilities Act 1995 for recruitment of physically handicapped persons, and clause No.(7) of the advertisement indicating that physically handicapped persons are required to produce certificate issued by District Magistrate, and select list indicating R-24 has been considered for appointment against physically handicapped quota, can the application submitted by the petitioner be construed to have been made for selection to any of the posts meant for physically handicapped persons? No.</p>	123 to 136
(iii)	<p>Whether, in absence of provision in Rules, for selection on basis of option/preference exercised by candidates, preparation of select list on basis of merit of candidates can be found fault with? No.</p>	146 to 148
(iv)	<p>Prescribed qualification – Qualification prescribed, as per notification issued inviting applications and relevant recruitment rules to post of Lecturer in Biology, being possession of M.Sc. in Botany or Zoology, whether, applicant who possesses qualification of M.Sc. in Life Science, which has not been declared as equivalent to M.Sc., in Botany or Zoology, by competent authority, can find fault with her non-selection to the post of Lecturer in Biology, howsoever meritorious she may be? No.</p>	448 to 455

(v)	Drug Inspectors – Validity of order of Tribunal setting aside selection of Drug Inspectors challenged before High Court – High Court upholding selections made on basis of marks secured by candidates in qualifying examination but without taking into consideration requirement of 3 years experience prescribed under Rule 12 of 2002 Rules – Appellants who failed to raise issue before High Court that in terms of Karnataka Health and Family Welfare Services (Drug Control Department non-teaching Staff) (Recruitment) Rules, 2002, a special rule, having overriding effect over the Karnataka Civil Services (Direct Recruitment by competitive examination and selection) (General) Rules, 2006, possession of three years experience for consideration for selection is mandatory, whether can contend that High Court committed an error in upholding selections? No	470 & 471
(vi)	Whether RPSC was justified in rejecting request for furnishing copies of question paper booklets and answer booklets, on ground that if her request is granted it would undermine confidentiality of the exercise underway apart from affecting third party rights? Yes	922 to 924
(vii)	Maintenance of transparency in selection process - With a view to maintain transparency in selection process directions issued to Public Service Commission to display marks secured by candidates in preliminary examination as well as main examination on official website at the time of declaration of results. Commission need not wait for completion of entire process till the recommendations are made for appointment under the pretext of maintenance of secrecy.	281 to 283
(viii)	Production of original documents and certificates - Petitioner was permitted to take part in selection process i.e., written examination on basis of marks sheet, grade report and provisional degree pass certificate issued by Dean of the College, but denied permission to participate in viva voce test on ground of non-production of original degree certificate – Viva voce test being held on 07.04.2011 and original degree certificate is scheduled to be issued at University Convocation to be held in the month of July 2011, whether, Public Service	137 to 139

	Commission, having allowed the petitioner to participate in various stages of selection process, justified in refusing her to participate in viva voce merely on ground of non-production of original degree certificate? No.	
(ix)	Whether, merely on ground that Public Service Commission had got powers to fix cut-off date for receipt of marks/result sheet, the cut-off date already fixed can be altered to suit the petitioners? No.	287 to 301
(x)	Discrepancy in framing of questions and evaluation of answers of Screening test held for recruitment to post of Assistant Public Prosecutor Grade-II – Because of discrepancy in question paper setting and key answers, objections raised by candidates were referred to expert committee for not less than six time – Information disclosed by RPSC reveals that when result was for the first time revised with deletion of one question and the result was published 74 additional candidates were called to face interview and out of them 12 were selected – When, for the second time result was revised with deletion of two questions and the result was published 96 candidates had to be again called for interview and 19 candidates were selected out of them. Had simultaneous exclusion been made at time of first revision of results 9 candidates were liable to be excluded and in the second revision 31 candidates were liable to be excluded. Had, as per its rules, RPSC applied ratio of 1:3 for interview only 544 candidates could have been called for interview instead of 672 candidates. Out of 672 candidates 125 were such, who otherwise would not have been eligible for interview and out of those 125 ineligible candidates 23 candidates have been selected out of 159 notified vacancies – Whether in the peculiar facts and circumstances of the case, despite the fact that scope of judicial review in academic matter being very limited, evaluation of question paper and answer key by Court itself by stepping into shoes of expert committee may be said to be contrary to well established principles of judicial review? No. Whether, taking into consideration totality of circumstances and in order to do full justice, directions for cancellation of results of examination and ordering for conduct of examination is without jurisdiction? No.	878 to 921

(xi)	Challenge to selection process by unsuccessful candidates – Whether, unsuccessful candidates in selection process, merely on ground of possessing prescribed qualification, can challenge selection process without demonstrating that recruitment process was held in breach of recruitment rules or attributing mala fides? No.	28 to 32
(xii)	Whether, in absence of allegation against members constituting committee of experts that they were lacking in specialization in the subject concerned or suffered from bias, merely on ground that different answers to questions are provided in some of the recognized text books or books of repute, Court can interfere in selection process in exercise of its extraordinary jurisdiction under Art. 226 of the Constitution? No	821 to 828
(xiii)	Whether cancellation of selection process can be sought on ground that question paper setter for examination conducted for selection to post of Assistant Public Prosecutor himself runs coaching institute to train candidates who appear for such examination and many of the questions that appeared in the examination were picked and chosen from his notes and persons who had taken coaching from him were in advantageous position in every possible way when records indicate that test was conducted in December 2011 but paper setter disassociated himself from the coaching institute in September 2011, and further he had no idea at the time of disassociating from coaching institute that he would be chosen as paper setter and no material on records were made available to establish that after 10.09.2011 paper setter was associated with coaching of aspirant candidates and no details of beneficiaries of malpractice furnished? – No.	804 to 809
(xiv)	Verification of documents – Relaxation in cutoff date fixed for verification of documents/completion of formalities – Petitioner appeared for State Civil Services main exam 2010, the results of which were released on 27.04.2013 on internet after one year 4 months of conduct of examination. The results were also released in news papers on 06.05.2013 with instructions to selected candidates to complete formalities of verification of documents by the cutoff date of 21.05.2013,	663 to 666

	<p>failing which it would be presumed that the candidate concerned does not wish to participate in selection process. However, petitioner failed to note result in time and could not complete formalities within cut-off date, but only after 20 days of expiry of cut-off date. On account of this his candidature was rejected by Public Service Commission – Whether in the circumstances, Public Service Commission was justified in debarring the petitioner from taking part in personality test for failure to complete formalities of verification of documents within cut-off date fixed? Yes. Whether the cut-off date fixed can be extended or relaxed in individual cases? No.</p>	
(xv)	<p>Non-grant of time to produce relevant documents – Applicant, on account of failure to produce original documents in support of his claim for reservation under category III B Rural KMS, at the time of interview, on alleged ground of loss of bag containing said documents, sought time to produce them after interview was over – KPSC rejected his request for grant of time to produce documents and interviewed him considering his case under General Merit category instead of under III B Rural KMS and selected him against post of Tahsildar instead of against post of Assistant Commissioner, to which post a less meritorious candidate was selected, on basis of condition contain in notice for personality test to the effect that the candidates will not be eligible to the personality test, if the requisite original certificates are not produced at the time of interview and further that candidates will not be allowed to produce the original documents subsequent to personality test – Whether in the circumstances rejection of request to grant time to produce original documents after interview was over can be said to be not tenable? No.</p>	401 to 407
(xvi)	<p>Selection to post of Section Officer by direct recruitment of in-service candidates in Karnataka Government Secretariat – KPSC, after publication of provisional select list of candidates, on realizing mistake committed in the Form prescribed to be filled in by candidates who had applied against notifications inviting applications to recruitment to the posts of Section Officer, Karnataka Government Secretariat, asked all such candidates for production of caste and income</p>	391 to 398

	<p>certificate in FORM No.2 in terms of Government Order No.SWD 225 BCA 2000 dated 30.03.2002 (creamy layer policy) and on consideration of such certificates re-did the select list, by which petitioners names were deleted from provisional select list and Respondents 3 to 7 in W.P.No.9971/2008 have been selected. But for the said error entire selection process is in order and in fact it resulted in selection of more meritorious candidates than the petitioners – Further, petitioners, not having put in 5 years of service in K.G.S. are not eligible to be considered to apply as in-service candidate to the said posts and not entitled to benefit of reservation under Government Order dated 30.03.2002 – Whether in the circumstances, procedure adopted for redoing of select list by KPSC can be found fault with? No.</p>	
(xvii)	<p>While filling application form for recruitment to post of AEE, against column no.7 “Do you claim under inservice quota? Yes or No” if an inservice candidate opts for ‘Yes’ whether that itself can be construed to exclude them from considering their case under open competition category? No.</p>	550 to 565
(xviii)	<p>Whether merely on basis of vague and unspecified allegation like interview conducted was not fair and proper, exorbitant marks were awarded in the interview or favouritism shown to some candidates, marks sheet of the re-evaluation was not supplied etc., without bringing specific instances of allegation to notice of Court, the selection process can be said to be vitiated warranting interference of Courts? No.</p>	623 to 628
Chapter-XLIV	Selection Procedure	
(i)	<p>Selection to posts of Assistant Executive Engineer Division-I, by direct recruitment – Direct recruitment to posts of Assistant Executive Engineer being from two sources namely ‘open competition category’ and ‘inservice category’ and there being separate quota for recruitment in respect of said two categories and in spite of inservice candidates indicating their choice to be considered under inservice category, whether Karnataka Public Service Commission was justified in selecting inservice category candidates against quota</p>	550 to 565

	<p>earmarked for open competition category? Yes. In absence of any indication in Recruitment Rules or notification inviting application that inservice candidates cannot claim selection in open competition quota and no separate application being prescribed for candidates from inservice quota and for candidates from open competition quota, held that inservice candidates are entitled to compete in open category also if their applications were forwarded by competent authorities to selecting authority and the KPSC is justified in considering case of inservice candidates for selection under open competition category.</p> <p>While filling application form for recruitment to post of AEE, against column no.7 “Do you claim under inservice quota? Yes or No” if an inservice candidate opts for ‘Yes’ whether that itself can be construed to exclude them from considering their case under open competition category? No. There being one common application for both the categories and Question No.7 only sought to ascertain as to whether a candidate claims to be considered in inservice quota, held that it cannot be said to exclude inservice candidate, who had indicated his desire to be considered in inservice quota from being considered under open category quota.</p>	
Chapter-XLV	Service Weightage	
(i)	Requirement of proviso (a) to Rule 6(B) of the Karnataka Education Department Services (Collegiate Education Department) (Special Recruitment) Rules, 1993 being allotment of “weightage at the rate of one percent for each completed academic year of service”, whether Karnataka Public Service Commission is justified in refusing to allot service weightage for the academic year 2005-06 wherein service rendered was from 28.12.2005 to 31.03.2006, i.e., merely three months only? Yes.	440 to 442
Chapter-XLVI	Waiting List	
(i)	Operation of waiting list – Whether waiting list prepared in respect of select list for the year 2001, can be operated to fill up vacancies in the select list after expiry of life of select list, in the year 2003? No	607 to 611