



2026:KER:63504

CR**IN THE HIGH COURT OF KERALA AT ERNAKULAM****PRESENT****THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN****&****THE HONOURABLE MR. JUSTICE BASANT BALAJI****MONDAY, THE 17TH DAY OF AUGUST 2026 / 26TH SRAVANA, 1948****OP (CAT) NO. 47 OF 2020****AGAINST THE ORDER DATED 18.12.2019 IN OA NO.33 OF 2019 OF
CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH****PETITIONERS/APPLICANTS:**

- 1 DR. ANUMON V DIVAKARAN, AGED 40 YEARS
S/O. DIVAKARAN, VATTAPARAMBIL HOUSE,
POICKATTUSSERY, CHENGAMANAD P.O.,
ERNAKULAM-683578**
- 2 DR. HARIKRISHNA R., AGED 43 YEARS
S/O. M. REGHUNATHAN, SANTHI NIVAS, BTS ROAD,
ATTINGAL, THIRUVANANTHAPURAM-695101.**
- 3 DR. SIJU C.R., AGED 36 YEARS
S/O. RAGHAVAN C.K., TYPE 4 QUARTERS,
CGHS HOSPITAL BEGUMPET, TELENGANA-500016.**
- 4 SREEMATHI B.K., AGED 42 YEARS
D/O. KOLAVAN, BHAGYAVATHYKUNNU HOUSE,
ATTUR, THRISSUR-680583.**

**BY ADVS.
SHRI.K.J.SAJI ISAAC
DR.ELIZABETH VARKEY
SRI.JITHIN SAJI ISAAC
SHRI.AJEESH EMMANUEL**

RESPONDENTS/RESPONDENTS:

- 1 SREE CHITRA TIRUNAL INSTITUTE FOR MEDICAL**



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SCIENCES AND TECHNOLOGY, THIRUVANANTHAPURAM-695011, REPRESENTED BY ITS DIRECTOR

- 2 LIAISON OFFICER IN RESPECT OF MATTERS RELATING TO THE REPRESENTATION FOR THE SC, ST AND PERSONS WITH DISABILITIES, SREE CHITRA TIRUNAL INSTITUTE FOR MEDICAL SCIENCES AND TECHNOLOGY, THIRUVANANTHAPURAM-695011.**
- 3 UNION OF INDIA, REPRESENTED BY THE SECRETARY, DEPARTMENT OF SCIENCE AND TECHNOLOGY NEW DELHI-110001.**
- 4 THOMAS P. ABRAHAM, ADMINISTRATIVE OFFICER, SREE CHITRA TIRUNAL INSTITUTE FOR MEDICAL SCIENCES AND TECHNOLOGY (SCTIMST), TRIVANDRUM-695011.**
- 5 SREEKESH NAIR S., ASSISTANT ENGINEER (CIVIL), SREE CHITRA TIRUNAL INSTITUTE FOR MEDICAL SCIENCES AND TECHNOLOGY (SCTIMST), TRIVANDRUM-695011.**
- 6 DR. SRIKANT AMBATIPUDI, ASSISTANT PROFESSOR (AMCHSS), SREE CHITRA TIRUNAL INSTITUTE FOR MEDICAL SCIENCES AND TECHNOLOGY (SCTIMST), TRIVANDRUM-695011.**
- *7 (DELETED) DR. MUKUND PRABHU A., ASSISTANT PROFESSOR (CARDIOLOGY), SREE CHITRA TIRUNAL INSTITUTE FOR MEDICAL SCIENCES AND TECHNOLOGY (SCTIMST), TRIVANDRUM-695011.**
- 8 DR. DINOOP K.P., ASSISTANT PROFESSOR (CLINICAL MICROBIOLOGY), SREE CHITRA TIRUNAL INSTITUTE FOR MEDICAL SCIENCES AND TECHNOLOGY (SCTIMST), TRIVANDRUM-695011.**
- *9 (DELETED) DR. TOBIN GEORGE, ASSISTANT PROFESSOR (NEUROSURGERY), SREE CHITRA TIRUNAL INSTITUTE FOR MEDICAL SCIENCES AND TECHNOLOGY (SCTIMST), TRIVANDRUM-695011.**



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- 10 DR. AMITA R., ASSISTANT PROFESSOR (TRANSFUSION MEDICINE), SREE CHITRA TIRUNAL INSTITUTE FOR MEDICAL SCIENCES AND TECHNOLOGY (SCTIMST), TRIVANDRUM-695011.
- 11 DR. SHIVANESAN P., ASSISTANT PROFESSOR (VASCULAR SURGERY), SREE CHITRA TIRUNAL INSTITUTE FOR MEDICAL SCIENCES AND TECHNOLOGY (SCTIMST), TRIVANDRUM-695011.
- *12 (DELETED) DR. RAJ BHARATH R., ASSOCIATE PROFESSOR (TRANSFUSION MEDICINE), SREE CHITRA TIRUNAL INSTITUTE FOR MEDICAL SCIENCES AND TECHNOLOGY (SCTIMST), TRIVANDRUM-695011.
- 13 NEETHU S., ENGINEER (MEDICAL INSTRUMENTATION), BMT WING, SREE CHITRA TIRUNAL INSTITUTE FOR MEDICAL SCIENCES AND TECHNOLOGY (SCTIMST), POOJAPPURA, TRIVANDRUM-695012.
- 14 DR. CHHAVI GUPTA, ENGINEER C (CHEMICAL ENGINEERING), BMT WING, BMT WING, SREE CHITRA TIRUNAL INSTITUTE FOR MEDICAL SCIENCES AND TECHNOLOGY (SCTIMST), POOJAPPURA, TRIVANDRUM-695012.
- 15 SAURABH S. NAIR, ENGINEER C (COMPUTATIONAL FLUID DYNAMICS), BMT WING, SREE CHITRA TIRUNAL INSTITUTE FOR MEDICAL SCIENCES AND TECHNOLOGY (SCTIMST), POOJAPPURA, TRIVANDRUM-695012.
- 16 SUBHASH N.N., ENGINEER C (INDUSTRIAL DESIGN), BMT WING, SREE CHITRA TIRUNAL INSTITUTE FOR MEDICAL SCIENCES AND TECHNOLOGY (SCTIMST), POOJAPPURA, TRIVANDRUM-695012.
- 17 ARAVIND KUMAR PRAJAPATI, ENGINEER C(MEDICAL DEVICES), BMT WING, SREE CHITRA TIRUNAL INSTITUTE FOR MEDICAL SCIENCES AND TECHNOLOGY (SCTIMST), POOJAPPURA, TRIVANDRUM-695012.



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- 18 JITHIN KRISHNAN, ENGINEER C (MEDICAL INSTRUMENTATION), BMT WING, SREE CHITRA TIRUNAL INSTITUTE FOR MEDICAL SCIENCES AND TECHNOLOGY (SCTIMST), POOJAPPURA, TRIVANDRUM-695012.
- 19 DR. K.G.V. SIVA KUMAR, ENGINEER D (ORTHOTICS AND REHABILITATION) BMT WING, SREE CHITRA TIRUNAL INSTITUTE FOR MEDICAL SCIENCES AND TECHNOLOGY (SCTIMST), POOJAPPURA, TRIVANDRUM-695012.
- 20 SHAJI UPENDRAN, ENGINEER F (DIVISION OF CLINICAL ENGINEERING), SREE CHITRA TIRUNAL INSTITUTE FOR MEDICAL SCIENCES AND TECHNOLOGY (SCTIMST), TRIVANDRUM-695011.
- 21 SUJA RAJ L., LECTURER IN NURSING-A, SREE CHITRA TIRUNAL INSTITUTE FOR MEDICAL SCIENCES AND TECHNOLOGY (SCTIMST), TRIVANDRUM-695011.
- 22 RAKHALGAITONDE, PROFESSOR (AMCHSS), SREE CHITRA TIRUNAL INSTITUTE FOR MEDICAL SCIENCES AND TECHNOLOGY (SCTIMST), TRIVANDRUM-695011.
- 23 DR. SYAM K., ADDITIONAL PROCESSOR (NEUROLOGY), SREE CHITRA TIRUNAL INSTITUTE FOR MEDICAL SCIENCES AND TECHNOLOGY (SCTIMST), TRIVANDRUM-695011.
- 24 DR. RENJITH P. NAIR, SCIENTIST C (BLOOD DERIVED PRODUCTS), BMT WING SREE CHITRA TIRUNAL INSTITUTE FOR MEDICAL SCIENCES AND TECHNOLOGY (SCTIMST), POOJAPPURA, TRIVANDRUM-695012.
- 25 AMRUTHA C., SCIENTIST C (MEDICAL DEVICE REGULATION), BMT WING, SREE CHITRA TIRUNAL INSTITUTE FOR MEDICAL SCIENCES AND TECHNOLOGY (SCTIMST), POOJAPPURA, TRIVANDRUM-695012.
- *26 (DELETED) DR. NITHYA VADAKEDATH, SCIENTIST C (MICROBIAL TECHNOLOGY), BMT WING, SREE CHITRA TIRUNAL INSTITUTE FOR MEDICAL SCIENCES AND TECHNOLOGY (SCTIMST), POOJAPPURA, TRIVANDRUM-695012.



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- 27 DR. JYOTHI E.K., SCIENTIST C (MICROBIOLOGY), SREE CHITRA TIRUNAL INSTITUTE FOR MEDICAL SCIENCES AND TECHNOLOGY (SCTIMST), TRIVANDRUM-695011.
- 28 DR. DIVYA M.S., SCIENTIST (PATHOLOGY), SREE CHITRA TIRUNAL INSTITUTE FOR MEDICAL SCIENCES AND TECHNOLOGY (SCTIMST), TRIVANDRUM-695011.
- 29 DR. GIJO RAJ, SCIENTIST C (POLYMER PROCESSING), BMT WING, SREE CHITRA TIRUNAL INSTITUTE FOR MEDICAL SCIENCES AND TECHNOLOGY (SCTIMST), POOJAPPURA, TRIVANDRUM-695012.
- *30 (DELETED) DR. PAVAN KUMAR SRIVAS, SCIENTIST C (SURFACE COATINGS), BMT WING, SREE CHITRA TIRUNAL INSTITUTE FOR MEDICAL SCIENCES AND TECHNOLOGY (SCTIMST), POOJAPPURA, TRIVANDRUM-695012.
- 31 DR. MANJUSARASWATHY, SCIENTIST D (DENTAL PRODUCTS), BMT WING, SREE CHITRA TIRUNAL INSTITUTE FOR MEDICAL SCIENCES AND TECHNOLOGY (SCTIMST), POOJAPPURA, TRIVANDRUM-695012.
- 32 MANOJ G., SCIENTIST D (INVITRO DIAGNOSTICS), BMT WING, SREE CHITRA TIRUNAL INSTITUTE FOR MEDICAL SCIENCES AND TECHNOLOGY (SCTIMST), POOJAPPURA, TRIVANDRUM-695012.
- *33 (DELETED) SARATH G., SCIENTIST D (MEDICAL DEVICE ENGINEERING), BMT WING, SREE CHITRA TIRUNAL INSTITUTE FOR MEDICAL SCIENCES AND TECHNOLOGY (SCTIMST), POOJAPPURA, TRIVANDRUM-695012.

R26 AND R30 ARE DELETED FROM THE PARTY ARRAY AT RISK OF THE PETITIONER AS PER ORDER DATED 22/11/2022 IN IA 2/2022 IN OP(CAT) 47/2020.

R7,R9,R12 AND R33 ARE DELETED FROM THE PARTY ARRAY, AT THE RISK OF THE PETITIONERS, AS PER ORDER DATED 18/08/2025 IN I.A. 1/2025 IN OP(KAT)47/2020.



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**BY ADVS.
SHRI.M.R.HARIRAJ (SR.)
SHRI.C.DINESH, CGC
SHRI.S.VISHNU
SRI.LIJU.V.STEPHEN
SHRI.V.SAJITH KUMAR, SC, SREE CHITRA TIRUNAL
INSTITUTE FOR MEDICAL SCIENCES AND TECHNOLOGY
(SCTIMST)
SMT.INDU SUSAN JACOB
SHRI.VINAY M.E.**

**THIS OP (CAT) HAVING BEEN FINALLY HEARD ON 17.08.2026,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**



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CR**JUDGMENT**Devan Ramachandran, J.

The petitioners say that they are entitled to be considered for promotion/appointment, under Annexure A1 notification, being members of SC/ST community.

2. Sri.Jithin Saji Issac – learned counsel for the petitioners, vehemently argued that, the 1st respondent, being an autonomous body obtaining Grant-in-aid from the Government of India, is obligated in law to have adopted the reservation policy in their service; but that they did not do so and issued Annexure A1 notification calling for candidates only from the General Category. He argued that, when the omission is as glaring as above, the learned Central Administrative Tribunal, Ernakulam Bench (‘Tribunal’), ought to have allowed his clients’ Original Application, rather than have dismissed it. He concluded his



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submissions, explaining that, in such circumstances, his clients obtained no other option, but to approach this Court.

3. Sri.Sajith Kumar – learned Standing Counsel for the 1st respondent, in response, argued that, as evident from Annexure A1, it is a notification calling for all candidates, irrespective of their community or caste. He contended that, if the petitioners had a case that the notification is bad because, it did not apply reservation policy – asserting that it was not necessary for his client to have done so at that time – they ought to have approached the learned Tribunal earlier, rather than have waited until they were found not qualified as per the process. He insisted that the petitioners, when found not qualified through the selection process, then took refuge under the contention about reservation policy, to thus seek preferential treatment, which cannot be granted in law. He prayed that this Original Petition be consequently, dismissed; asserting that the learned Tribunal has understood the perspective correctly.



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4. Sri.Vishnu S. - learned counsel for many of the party respondents, adopted the submissions of Sri.Sajith Kumar, reiterating that the petitioners are seeking relief which they could have never asked for.

5. We notice from the impugned final order, that the learned Tribunal has held – as has been contended by Sri.Sajith Kumar – that once the petitioners have participated in the selection process, knowing fully well the amplitude and width of Annexure A1 notification, they could not have turned around and sought for the benefit of reservation, solely because they have not been found qualified pursuant thereto.

6. We find force in the submissions of Sri.Sajith Kumar, as also in the holdings of the learned Tribunal because, Annexure A1 is unmistakable that it did not provide any reservation to any candidate. The emphasis of Sri.Jithin Saji Issac – learned counsel for the petitioners, on Clause Nos.5(iii) and 11 of the ‘Instructions to Candidates’, forming part of Annexure A1, is clear that persons



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belonging to SC/ST/Disability categories can claim fee concession or exemption; and will also be provided second class train fare for their travel, as per the Government of India Rules. These provisions do not even whisperingly indicate that any reservation was offered, or intended to be applied, for any category of persons – be that from the disadvantaged ones or otherwise.

7. As rightly found by the learned Tribunal, the petitioners have voluntarily participated in the process pursuant to Annexure A1, to be found not qualified; and it is at that stage, that they suddenly spring up and project a contention that, had the reservation policy of the Government of India been applied by the 1st respondent, they would have been included.

8. There is an adscititious problem the petitioners face at this juncture. If the reservation policy had to be followed by the 1st respondent, a roster for rotation ought to have been made, which, to our information, was not then available. We are told by Sri.Sajith Kumar that, subsequently, the 1st respondent has adopted



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the reservation policy, to make it part of their Rules; and that notifications issued thereafter contain such provisions.

9. As far as this particular case is concerned, at the time when Annexure A1 was issued, the roster for communal rotation, or for disadvantaged sections, has not been adopted/formulated; and it would have been impossible for any reservation selection to have been made in its absence. Indubitably, if the petitioners had a genuine case about reservation, they ought to have challenged Annexure A1 notification, so that the question of its validity, in the absence of provisions for reservation therein, could have been looked into and answered. However, what they have done is to participate in Annexure A1 without demur; and then to raise the issue of reservation, when they were not selected.

10. The learned Tribunal, in our firm view, has answered the issues correctly and could not have acceded to the plea as made by the petitioners.

11. At this time, Sri.Jithin Saji Issac argued that his clients



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have also raised an issue regarding the validity of the selection process, *de hors* the question of reservation.

12. We are afraid that we cannot find favour with the afore submission because, neither does the impugned order, nor the grounds raised, even indicate any such contention. In any event, when the order is silent on this, it can only be assumed that such contentions were never impelled before the learned Tribunal.

13. In such circumstances, the remedy of the petitioners ought to have been to seek a review of the impugned order, rather than have filed this Original Petition before us on the above said issue. This is not to mean that we are now authorising such review; but, as a general principle, when a contention is alleged to be not considered or decided upon, it would have been open to the litigant only to seek a review, and not to approach this Court, as has been done in this case.

For such reasons, this Original Petition is dismissed,



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confirming the impugned order of the learned Tribunal.

Sd/-

DEVAN RAMACHANDRAN

JUDGE

Sd/-

BASANT BALAJI

JUDGE

RR



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APPENDIX OF OP (CAT) NO. 47 OF 2020

PETITIONER ANNEXURES

ANNEXURE A1	TRUE COPY OF THE NOTIFICATION ADVT. NO. P&A II/42/SSSC/SC TIMST/2018 DATED 02/04/2018.
ANNEXURE A2	TRUE COPY OF THE OM NO.17/4/69-(SCT) DATED 03/02/1970.
ANNEXURE A3	TRUE COPY OF LETTER F. NO. 59-6/2012 (CU) DATED 03/06/2016.
ANNEXURE A4	TRUE COPY OF OM NO.39/40/74(SCT)(1) DATED 30/09/1974.
ANNEXURE A5	TRUE COPY OF LETTER DATED 28/06/2018 ISSUED BY GOVERNMENT OF INDIA.
ANNEXURE A6	TRUE COPY OF LETTER DATED 09/05/2018 ISSUED BY GOVERNMENT OF INDIA.
ANNEXURE A7	TRUE COPY OF LETTER NO.ALT13 SCT 2016 DATED 19/09/2018.
ANNEXURE A8	TRUE COPY OF THE RANK LIST PURSUANT T ANNEXURE A1 NOTIFICATION.
ANNEXURE A9	TRUE COPY OF ORDER NO. P&A I/AMEND. SSSC/JSSC/X/SCTIMST/2015 DATED 13/02/2015.
ANNEXURE A10	TRUE COPY OF LETTER NO. KL/12/4/2018(HQRS) DATED 16/11/2018.
ANNEXURE A11	TRUE COPY OF OM NO.430111/53/2010 EST. (RES.) DATED 04/01/2013 OF THE DEPARTMENT OF PERSONAL AND TRAINING GOVERNMENT OF INDIA.
ANNEXURE R2(A)	TRUE COPY OF LETTER NO. A1/1/13/SCT/2016.
ANNEXURE R29(1)	TRUE COPY OF LETTER NO. P&A II/443/SSSC/SCTIMST/2018 DATED 24/09/2018 ISSUED BY SCTIMST.
ANNEXURE R29(2)	TRUE COPY OF LETTER NO. A1/9/05/VIP/2018 DATED 18/10/2018 ISSUED TO HONOURABLE MEMBER OF PARLIAMENT SHRI K. SOMA PRASAD.
ANNEXURE R29(3)	TRUE COPY OF LETTER NO. A1/9/05/VIP/2018 DATED 18/10/2018 ISSUED TO HONOURABLE



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MEMBER OF PARLIAMENT DR. UDIT RAJ.

ANNEXURE R29(4) TRUE COPY OF COMMUNICATION
NO.P&A/1/211/SCTIMST/2018 DATED
17/01/2019 ISSUED BY SCTIMST.

ANNEXURE R29(5) TRUE COPY COMMUNICATION
NO.A1/1/13/SCT/2016 DATED 18/01/2019
ISSUED BY DEPARTMENT OF SCIENCE AND
TECHNOLOGY.

ANNEXURE A12 TRUE COPY OF THE RELEVANT PAGES OF THE
OF THE MINUTES OF THE 104TH GOVERNING
BODY MEETING (GB/2019/01) OF THE 1ST
RESPONDENT.

ANNEXURE A13 TRUE COPY OF THE OFFICE MEMORANDUM NO.
AI/MISC./002/98 DATED 27TH JANUARY, 1999
ISSUED BY THE MINISTRY OF SCIENCE AND
TECHNOLOGY.

ANNEXURE A14 TRUE COPY OF LETTER
F.NO.AI/I/13/SCT/2016 DATED 03/03/2016
ISSUED BY THE MINISTRY OF SCIENCE AND
TECHNOLOGY.

EXHIBIT P1 COPY OF THE ORDER DATED 18/12/2019 IN OA
NO.33/2019 BEFORE THE CENTRAL
ADMINISTRATIVE TRIBUNAL, ERNAKULAM.

EXHIBIT P2 TRUE COPY OF THE ORIGINAL APPLICATION IN
OA NO.33/2019 FILED BY THE PETITIONERS
BEFORE THE CENTRAL ADMINISTRATIVE
TRIBUNAL, ERNAKULAM WITH ANNEXURES.

EXHIBIT P3 TRUE COPY OF THE REPLY STATEMENT FILED
BY RESPONDENT NO.23.

EXHIBIT P4 TRUE COPY OF THE PRELIMINARY OBJECTION
FILED BY THE RESPONDENT NO.4 TO 22, 24,
25 AND 27 TO 33.

EXHIBIT P5 TRUE COPY OF THE REPLY STATEMENT FILED
BY THE 1ST RESPONDENT.

EXHIBIT P6 TRUE COPY OF THE REPLY STATEMENT FILED
BY 4 TO 22, 24, 25 AND 27 TO 33.

EXHIBIT P7 TRUE COPY OF MA NO.805/2019 IN OA
NO.33/2019 FILED BY RESPONDENTS 4 TO 22,
24, 25 AND 27 TO 33.

EXHIBIT P8 TRUE COPY OF THE REPLY STATEMENT FILED
BY RESPONDENTS 1 TO 4 IN MA NO.805/2019.



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EXHIBIT P9 TRUE COPY OF THE ADDITIONAL REPLY
STATEMENT FILED BY RESPONDENT NO. 29 AND
31.

EXHIBIT P10 TRUE COPY OF ADDITIONAL REJOINDER FILED
BY THE PETITIONERS.

RESPONDENT EXHIBITS

EXHIBIT R23(A) A TRUE VCOPY OF THE PROCEEDINGS
NO.P&A.II/456/SSSC(FCp)/SCTIMST/2019
DATED 15.11.2019