



2026:KER:35338

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

&

THE HONOURABLE MR.JUSTICE BASANT BALAJI

FRIDAY, THE 22ND DAY OF MAY 2026 / 1ST JYAISHTA, 1948

WA NO. 2640 OF 2025

JUDGMENT DATED 17.09.2025

ARISING FROM : WP(C) NO.23548 OF 2024

APPELLANTS/PETITIONER:

- 1 SREEPARVATHY R.S, AGED 29 YEARS
D/O C RENULAL RESIDING AT SREELAND,
VANCHIYOOR PO, ALAMCODE, ATTINGAL,
THIRUVANANTHAPURAM, PIN - 695102.
- 2 NASEER K.P, AGED 44 YEARS
S/O ABDULLAH K P, KOOTTAPPULAVIL HOUSE,
VALAPURAM POST, PULAMANTHOLE VIA, (MALAPPURAM) ,
PIN - 679323.
- 3 KIRAN PREM KUMAR, AGED 34 YEARS
S/O PREM KUMAR S, CHEKKUMMOODU BUNGLOW,
TANGASSERI, KOLLAM, PIN - 691007.
- 4 VAISAKH T.T, AGED 28 YEARS
AAVANI, CHENGAL KOVVAPURAM, PAYANGADI P.O.,
KANNUR, PIN - 670303.
- 5 PREEJA N, AGED 42 YEARS
MAKKAT MEATHAL, THEKKEDATH HOUSE,
PANTHEERENKAVU P.O., KOZHIKODE,
PIN - 673019.



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- 6 SREEKALA KUMARI P, AGED 41 YEARS
D/O. THANKAPPAN NAIR, GOKULAM,
CHAMAVILA, DALUMMUKHAM P.O.,
THIRUVANANTHAPURAM, PIN - 695125.
- 7 SAJEESH G, AGED 39 YEARS
S/O GOPALAN VEMBRANKODE HOUSE, KOOTTALA P.O.,
KUNISSERY, PALAKKAD, PIN - 678681
- 8 JIBIN SEBASTIAN, AGED 28 YEARS
KARAKKATTU HOUSE, AMBOORI, AMBOORI P.O.,
THIRUVANANTHAPURAM, PIN - 695505
- 9 SREEKALA KUMARI P, AGED 41 YEARS
D/O THANKAPPAN NAIR, GOKULAM, CHAMAVILA,
DALUMMUKHAM P.O., THIRUVANANTHAPURAM,
PIN - 695125.
- 10 HAREESH H.G, AGED 28 YEARS
KAVANATTUKONAM, PARAYIL VILAKOMVEEDU,
KOLLODU P.O., THIRUVANANTHAPURAM,
PIN - 695571.

BY ADV SRI.SIVAN MADATHIL

RESPONDENTS/RESPONDENTS:

- 1 HIGH COURT OF KERALA,
REPRESENTED BY THE REGISTRAR
GENERAL HIGH COURT OF KERALA,
ERNAKULAM, PIN - 682031
- 2 THE REGISTRAR, (RECRUITMENT & COMPUTERISATION)
HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031
- 3 STATE OF KERALA
REPRESENTED BY CHIEF SECRETARY SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
- 4 THE ADDITIONAL CHIEF SECRETARY
HOME DEPARTMENT SECRETARIAT,



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THIRUVANANTHAPURAM, PIN - 695001

- 5 HAMI DINESAN, AGED 28 YEARS, * [DELETED]
D/O DINESAN TB THANNIKKAL HOUSE,
PARAKKADAVU P.O. PARAKKADAVU.
ERNAKULAM DISTRICT., PIN - 683579
- 6 NISHA A., AGED 42 YEARS * [DELETED]
D/O SUGUNAN, PUTHUPARAMBU VELI
MARARIKULAM NORTH.P.O CHERTHALA.
ALAPPUZHA., PIN - 688523
- 7 SANDHYA KRISHNAN, AGED 37 YEARS * [DELETED]
D/O. GOPALA KRISHNAN,
SOUMYA BHAVANAM, PUTHENCHANTHA P.O,
VALLIKUNNAM, PIN - 690501
- 8 MANAS T.M, AGED 27 YEARS, * [DELETED]
S/O MURALEEDHARAN T. T,
THEKKEPARAMBIL (H) KULAYETTIKARA P.O,
ARAYANKAVU ERNAKULAM, PIN - 682317
- 9 RESHMA SOMAN, AGED 28 YEARS, * [DELETED]
W/O HARIKRISHNAN T.P
THEKKEPURACKAL (H), KULAYATTIKKARA P.O,
MAMPUZHA, ERNAKULAM, PIN - 682315
- 10 DEVIKA G.S, AGED 24 YEARS, * [DELETED]
D/O SUDHARSHAN NAIR, KALIVEEDU,
AKKARATHUMVILA KUTTICHAL P.O.,
THIRUVANANTHAPURAM, PIN - 695574
- 11 HARIS N, AGED 39 YEARS, * [DELETED]
S/O ABOOBACKER U. SHARFI HOUSE,
KUNNOTH, NETTOOR THALASSERY,
PIN - 670105.
- 12 SWATHY P.S, AGED 25 YEARS, * [DELETED]
D/O SURESH P.V. PADINJARATH HOUSE,
P.O. AYYANTHOLE TRISSUR,
PIN - 680003



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13 ABHIDEV S, AGED 28 YEARS * [DELETED]
PUTHEN KALIYIL VEEDU, ARASHUPARAMBU,
NEDUMANGADU P.O.,
THIRUVANANTHAPURAM,, PIN - 695541

14 SUKANYA B, AGED 38 YEARS, * [DELETED]
KALLUVILAKIZHAKKATHIL MEKKON,
CHANDANATHOPE, KOLLAM, PIN-691014,

*R5 TO R14 ARE DELETED FROM THE ARRAY OF
RESPONDENTS AT THE SOLE RISK AND COST OF THE
APPELLANT AS PER ORDER DATED 13-1-2026 IN
I.A.NO:1/2025 IN W.A.NO:2640/2025.

BY ADV SHRI.S.RADHAKRISHNAN
GP SRI. SUNIL KUMAR KURIAKOSE

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
22.05.2026, ALONG WITH WA.2917/2025, 2919/2025, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:



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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

&

THE HONOURABLE MR.JUSTICE BASANT BALAJI

FRIDAY, THE 22ND DAY OF MAY 2026 / 1ST JYAISHTA, 1948

WA NO. 2917 OF 2025

JUDGMENT DATED 17.09.2025

ARISING FROM : WP(C) NO.21090 OF 2024

APPELLANTS/PETITIONERS NOS.2, 3, 4 AND 6:

- 1 VAISAKH T.T, AGED 28 YEARS
AAVANI, CHENGAL KOVVAPURAM, PAYANGADI P.O.,
KANNUR, PIN - 670303
- 2 PREEJA N, AGED 42 YEARS
MAKKAT MEATHAL, THEKKEDATH HOUSE,
PANTHEERENKAVU P.O., KOZHIKODE, PIN - 673019
- 3 DIVYA P.B, AGED 42 YEARS
PARAKKATTIL HOUSE, KADAYIRUPPU P.O.,
KOLENCHERY, ERNAKULAM, PIN - 682031
- 4 SAJEESH G, AGED 39 YEARS
VEMBRANKODE HOUSE, KOOTTALA P.O., KUNISSERY,
PALAKKAD, PIN - 678681

BY ADV SRI.SIVAN MADATHIL



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RESPONDENTS/RESPONDENTS/PETITIONERS 1,5 AND 7:

- 1 HIGH COURT OF KERALA,
REPRESENTED BY THE REGISTRAR GENERAL,
HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031
- 2 THE REGISTRAR, (RECRUITMENT & COMPUTERISATION),
HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031
- 3 STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY,
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
- 4 VISHNUDEV K, AGED 29 YEARS, * [DELETED]
KOTTIYATTIL HOUSE, CHERUKARA P.O.,
ALUMKOOTTAM, PERINTHALMANNA,
MALAPPURAM, PIN - 679340
- 5 SUBHASH R, AGED 35 YEARS, * [DELETED]
433 VADAKKEKALAM, VALIYATTUKUNNU,
TENKURISSI-1, VILAYANNUR,
ALATHUR, PALAKKAD, PIN - 678671
- 6 SREEJITH P.S, AGED 44 YEARS, * [DELETED]
PADANNATHARA HOUSE, PANANBUKAD,
VALLARPADAM P.O., KOCHI, PIN - 682504.

*RESPONDENTS R4 TO R6 ARE DELETED FROM THE
PARTY ARRAY AT THE SOLE RISK AND COST OF THE
APPELLANTS VIDE ORDER DATED 13/01/2026 IN IA
1/2025.

BY ADV SHRI.S.RADHAKRISHNAN, SC
SRI.SUNILKUMAR KURIAKOSE, GP

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
22.05.2026, ALONG WITH WA.2640/2025 AND CONNECTED CASES,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

&

THE HONOURABLE MR.JUSTICE BASANT BALAJI

FRIDAY, THE 22ND DAY OF MAY 2026 / 1ST JYAISHTA, 1948

WA NO. 2919 OF 2025

JUDGMENT DATED 17.09.2025

ARISING FROM : WP(C) NO.21070 OF 2024

APPELLANTS/PETITIONERS 1, 3 AND 5:

- 1 JIBIN SEBASTIAN, AGED 28 YEARS
KARAKATTU HOUSE, AMBOORI, AMBOORI P.O.,
THIRUVANANTHAPURAM, PIN - 695505
- 2 SREEKALA KUMARI P, AGED 41 YEARS
GOKULAM, CHAMAVILA, DALUMMUKHAM
P.O., THIRUVANANTHAPURAM, PIN - 695125
- 3 HAREESH H.G, AGED 28 YEARS
KAVANATTUKONAM, PARAYIL VILAKOMVEEDU, KOLLODU
P.O., THIRUVANANTHAPURAM, PIN - 695571.

BY ADV SRI.SIVAN MADATHIL

RESPONDENTS/RESPONDENTS/PETITIONERS 2 AND 4:

- 1 HIGH COURT OF KERALA, REPRESENTED BY THE
REGISTRAR GENERAL, HIGH COURT OF KERALA,
ERNAKULAM, PIN - 682031
- 2 THE REGISTRAR, (RECRUITMENT & COMPUTERISATION),



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HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031

3 STATE OF KERALA, REPRESENTED BY CHIEF
SECRETARY, SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001

4 ABHIDEV S, * [DELETED]
AGED 28 YEARS,
PUTHEN KALIYIL VEEDU,
ARASHUPARAMBU, NEDUMANGADU P.O.,
THIRUVANANTHAPURAM, PIN - 695541

5 SUKANYA B, * [DELETED]
AGED 38 YEARS,
KALLUVILAKIZHAKKATHIL MEKKON,
CHANDANATHOPE, KOLLAM, PIN - 691014.

*RESPONDENTS R4 & R5 ARE DELETED FROM THE PARTY
ARRAY AT THE SOLE RISK AND COST OF THE
APPELLANTS AS PER ORDER DATED 13/01/2026 IN IA
1/2025 IN WA 2919/2025.

BY ADV SHRI.S.RADHAKRISHNAN
SRI.SUNILKUMAR KURIAKOSE, GP

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
22.05.2026, ALONG WITH WA.2640/2025 AND CONNECTED CASES,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



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'C.R.'

JUDGMENT

[WA Nos.2640/2025, 2917/2025, 2919/2025]

Devan Ramachandran, J.

We are considering these Appeals together since the constitutive issues projected are analogous, if not similar; and the respondents are substantially the same.

2. The appellants have approached this Court, seeking appointment as Office Attendants (OA) in the services of the High Court of Kerala, pursuant to their inclusion in the Rank List prepared for such purpose.

3. The aforesaid list was prepared based on a notification dated 19.12.2019, in which 24 vacancies were notified for being filled up; with a statutory caveat that every vacancy arising thereafter during the currency of the



Rank List would also be included therein.

4. For the sake of convenience, we will treat W.A.No.2640/2025 as the leading case and the documents mentioned in this judgment will be as marked in it.

5. It is conceded that several candidates were appointed, much beyond 24, from the Rank List. The counter pleadings of the High Court make it limpid that 388 persons from the Main List, as also several from the Supplementary List, had been advised; while 168 candidates were deleted, on receipt of written declarations of unwillingness from them.

6. Stripped of unnecessary details, the appellants were awaiting appointments based on their position in Ext.P2 Rank List, but say that they were shocked because they were not given the advice on the ground that 34 of the available vacancies were 'abolished' by the



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Government, at the request of the High Court. They refer to Ext.P7 order of the Government in substantiation; and assert that this is illegal and unlawful, destroying the very purpose of the Rank List.

7. The learned Single Judge who considered the writ petition found the reasons offered by the High Court of Kerala to abolish the 34 vacancies to be justified and not capricious; further, to hold that the appellants, who have been included in the Rank List, do not obtain an indefeasible right to be appointed. For this proposition, several binding precedents, including a Full Bench judgment of this Court in *Kerala Public Service Commission and Another v. Sheejamol M.C. and Others* [2020 (5) KHC 555 (FB)], have been relied upon.

8. Sri.Sivan Madathil - learned counsel for the appellants, argued that the explanation



offered by the High Court to abolish 34 posts is incredulous because, as evident from the subsequent Ext.P6 notification issued by it on 30.05.2024 - being a date when Ext.P2 Rank List was in force, it having expired only on 16.06.2024 - 34 vacancies were sought to be filled up. He argued that this amounts to a constitutional breach of trust on citizens, particularly those who have been included in Ext.P2 Rank List; to then add that, even if it is to be taken otherwise, the statistics disclosed by the High Court would establish that there were at least 120 vacancies available even at the time when the Rank List expired, to which his clients, or some of them, could have been advised. He contended that, without doing so, the High Court had proceeded to fill up the available 34 vacancies through Ext.P6; and hence that its actions are unconstitutional.



9. Sri.S.Radhakrishnan - learned Standing Counsel for the High Court, in refutation, submitted that the facts presented by Sri.Sivan Madathil are not accurate. He explained that Ext.P1 notification was brought in at the time when there were 24 vacancies, but clarifying that all arising vacancies during the currency of the Rank List to be published thereto, would also be filled up from it. He reiterated, relying upon the pleadings filed by the High Court, that 332 candidates from the general category were offered advice and that 144 did not join; while there were 66 non-joining vacancies, which were also filled up from the Rank List. He explained that the advices were not given together but in tranches, underpinned on the requirements created on account of candidates refusing to join, or on account of relinquishment; and hence that the argument of



the appellants that there were another 160 vacancies, when the Rank List expired is inaccurate and misdirected. He affirmed that all vacancies that arose during the life of the Rank List were filled up from among the 332 advised candidates, after removing those who did not join, or who did not want to join.

10. As regards the abolishment of 34 vacancies, Sri.S.Radhakrishnan explained that the High Court wanted such posts to be given up, in lieu of certain other necessary posts; and this was agreed to by the Government, as clear from Ext.P7. He contended that there were no *mala fides* involved, particularly because, going by Ext.P1, there were only 24 vacancies at the relevant time, but with all further vacancies to arise also to be filled up from the Rank List until it were alive. He conceded that the appellants may feel aggrieved, in the sense



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that, had the 34 vacancies not been abolished, some of them perhaps would have obtained an opportunity of being issued with advice. He argued that, however, this would not render their case tenable before this Court, particularly when there were no vacancies to accommodate them.

11. Sri.S.Radhakrishnan concluded his submissions, explaining that Ext.P6 does not take into account 34 vacancies that were abolished, but those which were to arise after 16.06.2024 - being the date on which Ext.P2 Rank List expired. He pointed out that, in the counter affidavit filed by the High Court, it has been specified that the first of the said vacancies would arise only on 31.08.2024, which is much after 16.06.2024; and hence the contentions to the contrary are incorrect and meant to confuse.



12. We have given anxious consideration to the rival contentions, particularly since the issues relate to the urge for employment of citizens. This desire is not something that can be brushed aside lightly; however, it requires to be remembered that any appointment can be made only in accordance with law and within the parameters of the statutory provisions.

13. The underpinned facts involved in this case are not in dispute.

14. In Ext.P1 notification, 24 vacancies were reported, making it clear that every vacancy arising thereafter, during the currency of the Rank List to be published, will only be filled up from it. It is also without contest that several vacancies so arose; and that nearly 122 candidates were finally advised and appointed.

15. While so, during the currency of the



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Rank List, the High Court took a decision, in the realm of policy, to abolish certain posts in the category of 'OA', and this is reflected in Ext.P7 letter issued by the Government, accepting the same.

16. As said above, the appellants - who are included in Ext.P2 Rank List - do not obtain any indefeasible right to be appointed; and when this judicial declaration remains, obviously they can only claim appointments to vacancies that are available. By the time their turn was to arise, the 34 vacancies were abolished; and, obviously, therefore, they could not be accommodated any further.

17. The learned Single Judge has incisively assessed the germane aspects - both factual and legal - to hold - in our view, correctly - that since there is no allegation of *mala fides* or other vitiating factors imputed



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against the abolition of the posts in question, it becomes unnecessary and impermissible for any further evaluation under the ambit of Article 226 of the Constitution of India. We are in full approval of this holding in the impugned judgment.

18. Returning to the argument of Sri.Sivan Madathil that there were 34 vacancies even at the time when Ext.P6 notification dated 30.05.2024 was issued, we are afraid that we cannot grant approval to this because the said notification itself says that it is qua the anticipated vacancies, to arise after Ext.P2 Rank List expires. This is ineluctable because, the said notification renders it perspicuous that only vacancies that arise after 16.06.2024 - being the date on which Ext.P2 Rank List would expire - will alone be filled up from the list to be prepared pursuant to it.



19. The counter pleadings of the High Court establish that the first among the vacancies to be filled up consequent to Ext.P6 notification, was to arise only on 31.08.2024, which is more than two months after Ext.P2 Rank List expired.

20. The only remaining contention of Sri.Sivan Madathil is hinged on the allegation of violation of equality, guaranteed under Article 14 of the Constitution of India. We are unable to fathom how such an argument could be impelled because, it is beyond doubt that they would have obtained no cause if the 34 posts in question had not been abolished. Even when, as seen above, they have no case that such abolition was *mala fide*, solely to prejudice them, they insinuate that the said vacancies are the same that are notified as per Ext.P6.

21. Apart from the fact that the number of



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vacancies shown in Ext.P6 is 34 - which coincidentally corresponds to the number of posts that were abolished earlier - it is incontrovertible that they relate only to those to arise in future on account of the retirements and other reasons, manifest from the factum of the first among them to arise only on 31.08.2024.

In the conspectus of the above, we cannot find error in the impugned judgment; and consequently, dismiss these Appeals.

Sd/-

DEVAN RAMACHANDRAN**JUDGE**

Sd/-

BASANT BALAJI**JUDGE**

akv



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APPENDIX OF WA NO. 2640 OF 2025

PETITIONER EXHIBITS

EXHIBIT P5 LETTER TRANSLATION

EXHIBIT P7 TRANSLATION

EXHIBIT P10 TRANSLATION



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APPENDIX OF WA NO. 2917 OF 2025

PETITIONER ANNEXURES

ANNEXURE R1 (A) SUMMARY