VERDICTUM.IN

CNR : KLHC010767402026

2026:KER:89676

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

MONDAY, THE 23RD DAY OF NOVEMBER 2026 / 2ND AGRAHAYANA, 1948

WP(C) NO. 34827 OF 2026

PETITIONER:

ABIBASH P S
AGED 43 YEARS, S/O P T SANKARAN
PULIKKAL PRAMBU HOUSE, PARALI P O, PALAKKAD,
PIN – 678 612.

BY ADV SHRI.U.BALAGANGADHARAN

RESPONDENTS:

1 **THE PRINCIPAL DISTRICT JUDGE**
PALAKKAD DISTRICT, COURT COMPLEX,
BEHIND CIVIL STATION, PALAKKAD., PIN – 678 001.

2 **THE DISTRICT OFFICER**
KERALA PUBLIC SERVICE COMMISSION CIVIL STATION,
PALAKKAD., PIN – 678 001.

3 **THE KERALA PUBLIC SERVICE COMMISSION**
REPRESENTED BY ITS SECRETARY,
PATTOM PALACE P.O. , THIRUVANANTHAURAM,
PIN – 695 004.

4 **REGISTRAR [DISTRICT JUDICIARY]**
HIGH COURT OF KERALA ERNAKULAM, PIN - 682031

BY ADVS
SRI.LEO LUKOSE (FOR R4)
SRI. P.C SASIDHARAN (SC) (KPSC)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23.11.2026, ALONG WITH WP(C).37726/2026, 39055/2026, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

VERDICTUM.IN

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

MONDAY, THE 23RD DAY OF NOVEMBER 2026 / 2ND AGRAHAYANA, 1948

WP(C) NO. 37726 OF 2026

PETITIONER:

SREEDEEPA S.V.
AGED 36 YEARS, D/O. SRI. SADASIVAN,
SANKARANVEETTIL HOUSE, KAYALAM PO, MAVOOR VIA,
KOZHIKODE DISTRICT, PIN – 673 661.

BY ADVS.
SRI.ANTONY MUKKATH
SRI.REGI MATHEW
SRI.TOMY CHACKO

RESPONDENTS:

1 **STATE OF KERALA**
REPRESENTED BY ITS ADDITIONAL CHIEF SECRETARY,
HOME (C) DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN – 695 001.

2 **HIGH COURT OF KERALA**
ERNAKULAM,
REPRESENTED BY ITS REGISTRAR DISTRICT JUDICIARY,
PIN – 682 031.

3 **DISTRICT COURT**
MALAPPURAM, COURT COMPLEX, KACHERIPPADI,
MANJERI, MALAPPURAM DISTRICT, REPRESENTED BY
COMPETENT AUTHORITY, PIN – 676 121.

VERDICTUM.IN

4 PRESIDING OFFICER
CHIEF JUDICIAL MAGISTRATE COURT, MALAPPURAM,
COURT COMPLEX, KACHERIPPADI, MANJERI,
MALAPPURAM DISTRICT, PIN – 676 121.

5 KERALA PUBLIC SERVICE COMMISSION
REPRESENTED BY ITS SECRETARY, HEAD OFFICE
PATTOM, THIRUVANANTHAPURAM, PIN – 695 004.

6 DISTRICT OFFICER
KERALA PUBLIC SERVICE COMMISSION,
DISTRICT OFFICE, NEW BLOCK, CIVIL STATION,
UPHILL, MALAPPURAM, PIN – 676 505.

7 REGISTRAR DISTRICT JUDICIARY
HIGH COURT OF KERALA, ERNAKULAM, PIN – 682 031.

BY ADVS
SRI.LEO LUKOSE (HCK)
SRI. P.C SASIDHARAN (SC) (KPSC)
SMT. ASHA ELIZABETH MATHEW (GP)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23.11.2026, ALONG WITH WP(C).34827/2026 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

VERDICTUM.IN

CNR : KLHC010767402026

2026:KER:89676

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

MONDAY, THE 23RD DAY OF NOVEMBER 2026 / 2ND AGRAHAYANA, 1948

WP(C) NO. 39055 OF 2026

PETITIONER:

RAJASREE RAJAN
AGED 35 YEARS
RESIDING AT VELLIMATTAH HOUSE, CHERUVALOOR, KORATTY, THRISSUR PERMANENT ADDRESS 4C, IVY COURT APARTMENT, OLLUR, THRISSUR, PIN – 680 308.

BY ADVS.
SMT.MAITREYI SACHIDANANDA HEGDE
SMT.OLIVIA LEELA JACOB
SRI.NAVANEETH GOPAN

RESPONDENTS:

1 **PRINCIPAL DISTRICT AND SESSIONS JUDGE DISTRICT & SESSIONS COURT, 5TH FLOOR, NEW COURT COMPLEX, AYYANTHOLE, THRISSUR, KERALA, PIN – 680 003.**

2 **KERALA PUBLIC SERVICE COMMISSION THULASI HILLS, PATTOM PALACE P.O., THIRUVANANTHAPURAM KERALA, PIN – 695 004.**

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***3 ADDL.R3: THE REGISTRAR (DISTRICT JUDICIARY) HIGH COURT OF KERALA, ERNAKULAM, PIN-682031,**

*** ADDL.R3 IS IMPLEADED AS PER ORDER DATED 12.11.2026 IN IA 1/2026 IN WPC 39055/2026.**

BY ADV SRI. P.C SASIDHARAN (SC) (KPSC)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23.11.2026, ALONG WITH WP(C).34827/2026 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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'C.R'

JUDGMENT

[WP(C) Nos.34827, 37726, and 39055 of 2026]

These writ petitions have been filed by persons included in the ranked list for recruitment to the post of Confidential Assistant Grade-II in various departments in the judicial districts of Palakkad, Manjeri and Thrissur. According to the petitioners, the Government had issued orders for the establishment of Special Courts under the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985, for Palakkad, Manjeri, and Thrissur judicial districts. It is the case of the petitioners that the Government Order establishing these courts has also sanctioned various posts in each of these courts, including the post of Confidential Assistant Grade-II. The petitioners contend that since the Government has already issued orders establishing the courts, the petitioners, who are included in the ranked list in each of the districts in

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question, are entitled to be advised, and therefore, a direction must be issued to the competent among the respondents to report the vacancies to the District Office of the Kerala Public Service Commission. It is submitted that even if further time is required for commencing the functioning of the courts, the petitioners are entitled to an order directing that the vacancies be reported provisionally before the expiry of the ranked list on 30.11.2026, subject to the actual establishment of the courts.

2. Sri. Leo Lukose, the learned counsel appearing for the High Court of Kerala in W.P.(C) Nos. 34827 and 37726 of 2026, would submit that the Government Order establishing the courts does not result in the creation of vacancies that can be reported to the Kerala Public Service Commission. He submits that a counter affidavit has been filed in W.P.(C) No.34827 of 2026. He states that counter affidavits are yet to be filed in the other writ petitions and that he has instructions to appear only in

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W.P.(C) Nos.34827 and 37726 of 2026. It is submitted that in the counter affidavit filed in W.P.(C) No.34827 of 2026, it has been specifically stated that all vacancies of Confidential Assistant Grade-II that arose in the Civil Judicial District of Palakkad up to 30.10.2026 have already been reported to the District Office of the Kerala Public Service Commission, Palakkad. It is stated that appointments have also been made against the reported vacancies and that there are no existing vacancies of Confidential Assistant Grade-II in the Civil Judicial District of Palakkad. It is submitted that though the Government has sanctioned one post of Confidential Assistant Grade-II in connection with the establishment of an NDPS Court in Palakkad District, as per Government Order G.O.(Ms.) No.155/2026/Home dated 03.09.2026 (Ext. P4), the process of actually establishing the court will take considerable time. It is submitted that insofar as Palakkad District is concerned, the Palakkad District Bar Association has offered a portion of the building having an approximate

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area of 1,500 square feet, situated on the first floor of the existing court building, for accommodating the newly sanctioned NDPS court. It is submitted that the estimates for the civil, electronic, and electrical works required to accommodate the NDPS Court have been furnished by the Assistant Executive Engineer, PWD Buildings Section, Palakkad. It is submitted that the estimates have been forwarded to the High Court of Kerala, which in turn has forwarded the same to the Additional Chief Secretary to Government, Home (D) Department, Government of Kerala, Thiruvananthapuram, for obtaining the requisite administrative sanction and sufficient funds to carry out the necessary works. It is stated that the matter is presently pending consideration before the Government. It is further submitted that the District Court, Palakkad, has also forwarded estimates for the purchase of furniture, computers, and other peripherals required for the functioning of the proposed NDPS Court, and steps for obtaining the necessary sanction from the Government for

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the purchase of furniture, computers and other peripherals are also ongoing. It is submitted that the court can be established only on completion of the requisite infrastructure works, availability of funds, necessary administrative approval, and permission from the High Court, and no definite date can be fixed for its commencement. It is submitted that the actual date on which the vacancy comes into existence has to be determined with reference to the commencement of the proposed court. It is submitted that before the commencement of the court, a notification has also to be issued by the Government of Kerala. It is further submitted that since the date for the commencement of the court has not yet been fixed, the petitioners cannot be heard to contend that a vacancy exists and that the same has to be reported to the Kerala Public Service Commission.

3. The learned counsel appearing for the petitioners would submit that even if the contention of the

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learned counsel appearing for the High Court of Kerala, that further time will be required for the actual commencement of the court, is accepted, there is nothing preventing the reporting of the vacancies provisionally to the Kerala Public Service Commission. The learned counsel referred to Rule 5 of the Kerala State and Subordinate Services Rules, 1958, and Rule 13 of the Kerala Public Service Commission (KPSC) Rules of Procedure to contend that the authorities cannot refuse to report the vacancies to the Kerala Public Service Commission. It is submitted that since the ranked list is to expire on 30.11.2026, it is imperative that orders be passed on these writ petitions today itself and that the matters cannot be adjourned to enable the filing of counter affidavits in the connected writ petitions.

4. Having heard the learned counsel appearing for the petitioners in these cases and the learned counsel appearing for the High Court of Kerala in W.P.(C) Nos. 34827 and 37726 of 2026, I am of the opinion

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that, in the facts and circumstances of these cases, the petitioners have not made out any case for the grant of the reliefs sought for in these writ petitions. It is true that by the Government Order produced as Ext.P4 in W.P.(C) No.34827 of 2026, the Government has issued a notification for establishing NDPS Courts in Palakkad, Malappuram, and Thrissur Judicial Districts. It is also true that Ext.P4 sanctions certain posts in connection with the establishment of the courts, including one post of Confidential Assistant Grade-II in each court. The process for the establishment of a court and the commencement of its operations has been explained in the counter affidavit filed by the High Court of Kerala. It is to be noted that though there is a Government Order establishing the court, the actual commencement of the court will take considerable time. It is also clear from the counter affidavit filed by the High Court of Kerala that the courts will commence functioning only on the issuance of a notification by the Government regarding their

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commencement. Taking note of the procedure involved in the establishment of a court, it cannot be held that at present there are vacancies of Confidential Assistant Grade-II merely on account of the fact that the Government has, through the order marked as Ext.P4 in W.P.(C) No.34827 of 2026, sanctioned certain posts in connection with the establishment of NDPS Courts at Palakkad, Manjeri and Thrissur judicial districts.

5. The judgment of a Constitution Bench of the Supreme Court in ***Shankarsan Dash v. Union of India, (1991) 3 SCC 47*** categorically holds that the existence of a valid ranked list and the existence of vacancies does not result in an indefeasible right of appointment. A Full Bench of this Court *(to which I was a party)* in ***Kerala Public Service Commission and anr v. Sheejamol M.C and ors, 2020 (5) KLT 718 (F.B)*** relied on and followed the decision in ***Shankarsan Dash*** *(supra)* and held as follows:-

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"We are now called upon to consider the third issue i.e. whether the existence of vacancies and the existence of a valid ranked list would require the employer (the appointing authority) to fill up those vacancies before the expiry of the ranked list either on account of the fact that a direction had been issued by the Court / Tribunal to report vacancies or otherwise. We would think not. The question as to whether a particular vacancy or vacancies should be filled up is a matter to be considered by the appointing authority. If for any reasonable and bona fide reasons, including the financial situation of the appointing authority, such authority takes the position that the vacancies in question need not be filled up it would not be proper for this Court to thrust upon the unwilling employer (appointing authority) candidates included in a ranked list for it is settled law that mere inclusion in a ranked list does not give to the candidates in question a vested right to appointment. The law on this point is settled by the judgment of a Constitution Bench of the Supreme Court in Shankarsan Dash v. Union of India 1991 (3) SCC 47 and we do not see any other judgement which has watered down this principle. The opening paragraph of that judgment reads thus:

"This appeal was earlier heard by a Division Bench and was referred to a Constitution Bench for examining the

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question whether a candidate whose name appears in the merit list on the basis of a competitive examination, acquires indefeasible right of appointment as a Government servant if a vacancy exists. Reference was made to the decisions in State of Haryana v. Subash Chander Marwaha, 1974 (3) SCC 220 : Neelima Shangla v. State of Haryana, 1986 (4) SCC 268 and Jatinder Kumar v. State of Punjab, 1985 (1) SCC 122"

Considering the question, it was held (paragraph 7 of SCC)

"7. It is not correct to say that if a number of vacancies are notified for appointment and adequate number of candidates are found fit, the successful candidates acquire an indefeasible right to be appointed which cannot be legitimately denied. Ordinarily the notification merely amounts to an invitation to qualified candidates to apply for recruitment and on their selection they do not acquire any right to the post. Unless the relevant recruitment rules so indicate, the State is under no legal duty to fill up all or any of the vacancies. However, it does not mean that the State has the licence of acting in an arbitrary manner. The decision not to fill up the vacancies has to be taken bona fide for appropriate reasons. And if the vacancies or any of them are filled up, the State is bound to

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respect the comparative merit of the candidates, as reflected at the recruitment test, and no discrimination can be permitted. This correct position has been consistently followed by this Court, and we do not find any discordant note in the decisions in State of Haryana v. Subash Chander Marwaha, Neelima Shangla v. State of Haryana, or Jatinder Kumar v. State of Punjab."

Thus, the fact that there are vacancies in existence in a particular cadre in Government or in any organization and the fact that there is a valid list prepared by the Public Service Commission or any other agency (in cases where consultation with the Public Service Commission is not mandated either in terms of the Constitution or any other law) is no ground for a Court to direct the filling up of such vacancies*.”*

Emphasis supplied

Therefore, the existence of a vacancy will not enable the petitioners to contend that the vacancy must be reported to the Public Service Commission. In that view of the matter, the provisions of the Kerala State and Subordinate Services Rules, 1958 and the Kerala Public Service

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Commission Rules of Procedure do not come to the aid of the petitioners. In the facts of this case, even if one were to assume that the issuance of Government Orders establishing the NDPS Courts resulted in the creation of posts leading to the existence of vacancies, it must be held that the competent authority has, for good and sufficient reason, decided not to report the vacancies to the Public Service Commission.

Therefore, the petitioners are not entitled to any relief. Writ petitions fail and are accordingly dismissed.

Sd/-
GOPINATH P.
JUDGE

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APPENDIX OF WP(C) NO. 34827 OF 2026

PETITIONER'S EXHIBITS

Exhibit P1	**A TRUE COPY OF THE RANKED LIST NO. 396/2023/SS V CAT. NO.277/2018 WITH EFFECT FROM 06..06..2023 [RELEVANT PAGES ONLY] OF THE SHOWING THE PETITIONER'S RANK 45 AND COMMUNITY STATUS**
Exhibit P2	**A TRUE COPY OF THE APPOINTMENT CHART DATED 14.07.2026 ISSUED BY THE 2ND RESPONDENT**
Exhibit P3	**A TRUE COPY OF THE APPOINTMENT CHART DATED 26.5.2026 ISSUED BY THE 2ND RESPONDENT**
Exhibit P4	**A TRUE COPY OF THE G.O.(MS.) NO.155/2026/HOME DATED 03.09.2026.**

RESPONDENT'S EXHIBITS

Ext R1(a)	**A TRUE COPY OF THE LETTER NO.HCKL/3336/2022-DII-7 DATED 23.10.2026**

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APPENDIX OF WP(C) NO. 37726 OF 2026

PETITIONER'S EXHIBITS

Exhibit P-1	**A TRUE COPY OF THE NOTIFICATION DATED 29-12-2018 IN CATEGORY NO. 277/2018.**
Exhibit P-2	**A TRUE COPY OF THE RANKED LIST NO. 357/2023/SS III PUBLISHED WITH EFFECT FROM 29-05-2023.**
Exhibit P-3	**A TRUE COPY OF THE GO(MS) NO. 155/2026/HOME DATED 03-09-2026**

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APPENDIX OF WP(C) NO. 39055 OF 2026

PETITIONER'S EXHIBITS

Exhibit P1	**A TRUE COPY OF THE RANKED LIST (CAT NO277/2018) ISSUED BY THE KERALA PUBLIC SERVICE COMMISSION FOR THE POST OF CONFIDENTIAL ASSISTANT GR II IN VARIOUS DEPARTMENTS IN THE THRISSUR DISTRICT DATED 29.05.2023**
Exhibit P2	**TRUE COPY OF THE GOVERNMENT ORDER G.O. (MS.) NO.155/2026/HOME DATED 03.09.2026**
Exhibit P3	**A TRUE COPY OF THE RELEVANT PAGE OF THE NOTIFICATION NO. PR(1)1318144/2026/G.V/18(1) DATED 25.05.2026 ISSUED BY THE KERALA PUBLIC SERVICE COMMISSION, EXTENDING THE VALIDITY OF THE RANKED LIST UNTIL 30.11.2026.**