

Presented on 17-12-2025

MA Type: FOR DIRECTION

**IN THE KERALA ADMINISTRATIVE TRIBUNAL PRINCIPAL
BENCH THIRUVANANTHAPURAM**

**Miscellaneous Application NO 2215 OF 2025
in
Original Application NO 1883 OF 2023**

MISCELLANEOUS APPLICANT/S

Mohammed Riyas
& another

MISCELLANEOUS RESPONDENT/S

State of Kerala
& others

**MISCELLANEOUS APPLICATION FILED UNDER RULE 7(3) OF
KERALA ADMINISTRATIVE TRIBUNAL PROCEDURE
RULES, 2010**

Counsel for the Applicant

1.FATHAHUDEEN M -K/001666/1999

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ADVOCATE FOR APPLICANT(S)

MISCELLANEOUS RESPONDENT/S

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ADVOCATE FOR RESPONDENT(S)

1.FATHAHUDEEN M -K/001666/1999

Government Pleader
Standing Counsel For KPSC

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1.FATHAHUDEEN M -K/001666/1999

Government Pleader
Standing Counsel For KPSC

MISCELLANEOUS APPLICANT/S :

- 1) Mohammed Riyas, aged 52 years, S/o. Muhammed Moideen Kunju, resident of Valavanad Thundil House, Panoor, Pallana P.O, Alappuzha 690515.
- 2) Reshma. R, aged 39 years, W/o. Nishad. N, resident of Mukkolayil House, Menamppally, Pathiyoar, Alappuzha 690508.

MISCELLANEOUS RESPONDENT/S:

- 1) State of Kerala, represented by the Secretary to Government, Ayush Department, Government Secretariat, Thiruvananthapuram 695001.
- 2) Director of Homeopathy, Directorate of Homeopathy, Pazhavangadi, Padma Nagar, Pazhavangadi, Thiruvananthapuram 695023.
- 3) District Medical Officer (Homeo), Office of the District Medical Officer, Alappuzha 688011.
- 4) Kerala Public Service Commission, represented by its Secretary, Thulasi Hill, Pattom P.O, Thiruvananthapuram 695004.
- 5) District Officer, Kerala Public Service Commission, Alappuzha, District Office, Kerala Public Service Commission, Zackaria Bazar, Alappuzha 688012.
- 6) Sheeba Mathew, Dispenser, Govt. Homeo Dispensary, Kainadi, Alappuzha 688506.

- 7) Sreelatha. G, Attender, Govt. Homeo Dispensary, Pandanad, Alappuzha 689626.
- 8) Mani. J, Attender, Govt. Homeo Dispensary, Bharanikavu, Alappuzha 690503.
- 9) Rashida. A, Dispenser, Govt. Homeo Dispensary, Alappuzha 688012.
- 10) Mini Joseph, Attender, Govt. Homeo Dispensary, Kainakari, Alappuzha 688501.
- 11) Sanilamol. K.K, Nursing Assistant, Govt. Homeo Hospital, Alappuzha 688012.
- 12) Jaya. R, Attender, Govt. Homeo Dispensary, Muthukulam, Alappuzha 690506.
- 13) Midhulaj. S, Dispenser, Govt. Homeo Dispensary, Kumarapuram, Alappuzha 690514.
- 14) Sindhumol. S, Nursing Assistant, Govt. Homeo Hospital, Alappuzha 688012.
- 15) Muhseena Beegum. A.M, Dispenser, Govt. Homeo Dispensary, Chingoli, Alappuzha 690532.
- 16) Chandravathi. S, Nursing Assistant, Govt. Homeo Hospital, Alappuzha 688012.
- 17) Dinesh. B, Nursing Assistant, Govt. Homeo Hospital, Alappuzha 688012.
- 18) Vimala. T, Dispenser, Govt. Homeo Dispensary, Kainadi, Alappuzha 688506.
- 19) Sobha. V, Attender, Govt. Homeo Dispensary, Thiruvandoor, Alappuzha 689106.
- 20) Sulekha. K, Nursing Assistant, Govt. Homeo Hospital, Kayamkulam, Alappuzha 690502.

SECTION

Brief facts leading to the application

1. The above Original Application has been filed, inter alia, seeking a direction to Respondents 1 to 3 to exclude Respondents 6 to 20 from

the cadre of Attender Grade II and to fill up all the 17 vacancies which arose and remained unfilled during the period from 01.01.2020 to 18.06.2021, owing to the non-availability of qualified hands as on the respective dates of occurrence of vacancies. The applicants further seek a direction to the 3rd Respondent to report 11 vacancies to the 5th Respondent, Kerala Public Service Commission District Office, Alappuzha, as substantive vacancies during the currency of Annexure A-1 ranked list, in substitution of the 11 vacancies provisionally reported and presently pending with the KPSC, showing their respective dates of occurrence as reflected in Annexure A-7 information obtained under the Right to Information Act, and for a consequential direction to the 5th Respondent to advise candidates against those vacancies from Annexure A-1 ranked list.

2. When the matter came up for consideration on 13.11.2025, it was noticed that notice had not been ordered to Party Respondents 6 to 20, who were appointed by transfer in Alappuzha District. The applicants have since come to understand that such appointments by transfer are made on a State-wide basis by reckoning vacancies in Alappuzha District as well, and that numerous incumbents were so appointed and are presently working in different offices, the particulars of which are not known to the applicants. In these circumstances, it is just and proper to permit the applicants to sue Party Respondents 6 to 20 in a representative capacity on behalf of all persons who may be affected by the outcome of the Original Application, in terms of Rule 4B of the Kerala Administrative Tribunal (Procedure) Rules, 2010, and to direct publication of the pendency of the Original Application through the official website so as to afford notice to all such persons.
3. It is submitted that the Original Application was filed in the year 2023 through the electronic filing portal of the Kerala Administrative Tribunal. Rule 10(9) of the Kerala Administrative Tribunal (Procedure)

Rules, 2010 stipulates that in cases of electronic filing, any notice or process to be issued by the Tribunal shall, as far as possible, be served through electronic means. Further, Rule 10(1) of the said Rules provides that service of notice can be effected through the Head of the Department concerned. Ordering notice through speed post would cause undue delay and defeat the very object of expeditious service of notice contemplated under the scheme of electronic filing.

4. Respondents 6 to 20, as well as other persons interested in the subject matter of the Original Application, are working in the AYUSH Department under the 2nd Respondent. Therefore, notice to Party Respondents 6 to 20 and other interested persons can effectively be issued through electronic mode, in accordance with Rule 10(9) read with Rule 4B of the Kerala Administrative Tribunal (Procedure) Rules, 2010, through the 2nd Respondent, who is the Head of the Department.

Relief or Prayer

In view of the facts and for the reasons stated above, the Applicants most humbly prayed that this Honorable Tribunal and pleased to:

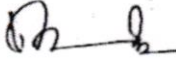
1. Permit the applicants to sue Party Respondents 6 to 20 in a representative capacity on behalf of all persons who may be affected by the outcome of the Original Application, in terms of Rule 4B of the Kerala Administrative Tribunal (Procedure) Rules, 2010;
2. Direct the 2nd Respondent to issue notice to Party Respondents 6 to 20 through electronic mode and to cause publication regarding the pendency of the Original Application on the official website, for the purpose of giving notice to all persons who may be affected by the outcome of the Original Application.

VERIFICATION

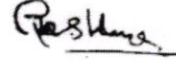
We, **(1)** Mohammed Riyas, aged 52 years, S/o. Muhammed Moideen Kunju, resident of Valavanad Thundil House, Panoor, Pallana P.O, Alappuzha - 690515. **(2)** Reshma. R, aged 39 years, W/o. Nishad. N, resident of Mukkolayil House, Menampally, Pathiyoor, Alappuzha - 690508., do hereby verify that the contents of Paragraphs 1 to 4 are true to my personal knowledge, believed by me to be true on legal advice and that I have not suppressed any material facts.

Dated this the 17th day of December 2025.
Thiruvananthapuram

Miscellaneous Applicants/
Applicants in the OA

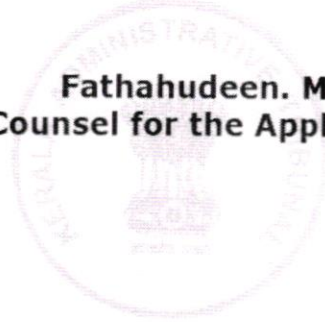


Mohammed Riyas



Reshma. R

Fathahudeen. M.
Counsel for the Applicant



BM

Benchmark
Court I item. I

PRE ON: 19/12/2025

BEFORE THE HON'BLE KERALA ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH AT THIRUVANANTHAPURAM.

OA No. 1883/2023



Mohammed Riyas
& another

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Vs.

Applicants

State of Kerala, represented by
Secretary to Government,
Ayush Department
& others

--

Respondents

MEMO SUBMITTED BY COUNSEL FOR THE APPLICANTS TO APPROVE
DRAFT PAPER PUBLICATION

Fathahudeen. M
Counsel for the Applicants

BEFORE THE HON'BLE KERALA ADMINISTRATIVE TRIBUNAL
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MEMO SUBMITTED BY COUNSEL FOR THE APPLICANTS TO APPROVE
DRAFT PAPER PUBLICATION

As directed by this Honorable Tribunal I am producing the draft of Public
Notice for approval.

Dated this the 1st day of December 2025.

Fathahudeen. M
Counsel for the Applicants

PUBLIC NOTICE

BEFORE THE HON'BLE ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH AT THIRUVANANTHAPURAM.

O. A. No.1883 of 2023

Applicants in the OA.

1. Mohammed Riyas, aged 52 years, S/o. Muhammed Moideen Kunju, resident of Valavanad Thundil House, Panoor, Pallana P.O, Alappuzha - 690515.
2. Reshma R, aged 39 years, W/o. Nishad N, resident of Mukkolayil House, Menamppally, Pathiyoor, Alappuzha - 690508.

Respondents in the OA.

1. State of Kerala, represented by the Secretary to Government, Ayush Department, Government Secretariat, Thiruvananthapuram - 695001.
2. Director of Homeopathy, Directorate of Homeopathy, Pazhavangadi, Padma Nagar, Pazhavangadi, Thiruvananthapuram - 695023.
3. District Medical Officer (Homeo), Office of the District Medical Officer, Alappuzha - 688011.
4. Kerala Public Service Commission, represented by its Secretary, Thulasi Hill, Pattom P.O, Thiruvananthapuram - 695004.
5. District Officer, Kerala Public Service Commission, Alappuzha, District Office, Kerala Public Service Commission, Zackaria Bazar, Alappuzha - 688012.
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19. Sobha. V, Attender, Govt. Homeo Dispensary, Thiruvandoor, Alappuzha – 689106.
20. Sulekha. K, Nursing Assistant, Govt. Homeo Hospital, Kayamkulam, Alappuzha – 690502.

Notice is hereby given that the above Original Application has been filed before the Hon'ble Kerala Administrative Tribunal, Principal Bench, Thiruvananthapuram, by the applicants who are included in the ranked list for appointment to the post of Attender Grade II in the Homeopathy Department, Alappuzha District, published as Ranked List No. 71/2020/DOA under Category No. 092/2016 by the Kerala Public Service Commission, which came into force on 11.02.2020 and expired on 10.02.2023.

The applicants, inter-alia, seek a direction to the official respondents to report all substantive vacancies which arose and remained unfilled during the period from 01.01.2020 to 18.06.2021 for direct recruitment from the ranked list, owing to the non-availability of qualified hands as on the respective dates of occurrence of vacancies for by transfer appointment as per the special rules, to the Kerala Public Service Commission. It is further contended that the said vacancies were subsequently filled up by way of by-transfer appointments from among

Last Grade Servants, including respondents 6 to 20, in Alappuzha District.


It is stated that such by-transfer appointments were made state wide after reckoning the vacancies in Alappuzha District as well. The Applicants therefore seek a direction to Respondents 1 to 3 to exclude Respondents 6 to 20 and similarly placed who got appointment by transfer against the vacancies which arose and remained unfilled during the period from 01.01.2020 to 18.06.2021, owing to the non-availability of qualified hands as on the respective dates of occurrence of vacancies.

The Hon'ble Tribunal has permitted the applicants to implead respondents 6 to 20 in a representative capacity, on behalf of themselves and others who may be similarly situated and likely to be affected by the outcome of the Original Application.

Therefore, all persons who are likely to be affected by the outcome of the above Original Application are hereby notified that they may appear in person or through counsel before the Hon'ble Kerala Administrative Tribunal, Principal Bench, Thiruvananthapuram, at 10.30 a.m. on _____, if they wish to contest the matter.

This notice is issued by order of the Hon'ble Kerala Administrative Tribunal, Principal Bench, Thiruvananthapuram dated _____ in the above OA.

19/12/2025
Thiruvananthapuram


Adv. Fathahudeen M.
Counsel for the Applicants