

**STATUS OF THE COMMISSION UNDER
THE CONSTITUTION**

THE CONSTITUTION OF INDIA

**Part IV
CHAPTER II**

PUBLIC SERVICE COMMISSIONS

Public Service Commissions for the Union and for the States

- 315.** (1) Subject to the provisions of this article , there shall be a Public Service Commission for the Union and a Public Service Commission for each state.
- (2) Two or more States may agree that there shall be one Public Service Commission for that group of States, and if a resolution to that effect is passed by the House or, where there are two Houses, by each House of the Legislature of each of those States, Parliament may by law provide for the appointment of a Joint State Public service Commission (referred to in this Chapter as Joint Commission) to serve the needs of those States.
- (3) Any such law as aforesaid may contain such incidental and consequential provisions as may be necessary or desirable for giving effect to the purposes of the law.
- (4) The Public Service Commission for the Union, if requested so to do by the Governor of State , may, with the approval of the President, agree to serve all or any of the needs of the State.

- (5) References in this Constitution to the Union Public Service Commission or a State Public Service Commission shall, unless the context otherwise requires, be constructed as references to the Commission serving the needs of the Union or, as the case may be, the State as respects the particular matter in question.

Appointment and term of Office of the members

316. (1) The Chairman and other members of a Public Service Commission shall be appointed, in the case of the Union Commission or a Joint Commission, by the President, and in the case of State Commission, by the Governor of the State: *Provided that as nearly as may be one-half of the members of every Public Service Commission shall be persons who at the dates of their respective appointments have held office for at least ten years either under the Government of India or under the Government of State, and in computing the said period of ten years any period before the commencement of this Constitution during which a person has held office under the Crown in India or under the Government of an Indian State shall be included.*

[(1A) If the office of the Chairman of the Commission becomes vacant or if any such Chairman is by reason of absence or for any other reason unable to perform the duties of his office, those duties shall, until some person appointed under clause(1) to the vacant office has entered on the

duties thereof or, as the case may be, until the Chairman has resumed his duties, be performed by such one of the other members of the Commission as the President, in the case of the Union Public Service Commission or a Joint Commission, and the Governor of the State in the case of a State Commission, may appoint for the purpose].

- (2) A member of a Public Service Commission shall hold office for a term of six years from the date on which enters upon his office or until he attains, in the case of the Union Commission, the age of sixty five years, and in the case of a State Commission or Joint Commission the age of sixty two years, whichever is earlier.

Provided that-

- (a) a member of a Public Service Commission may, writing under his hand addressed, in the case of the Union Commission or a Joint Commission, to the President, and in the case of a State Commission, to the Governor of the State, resign his office;
- (b) a member of a Public Service Commission may be removed from his office in the manner provided in clause (1) or clause (3) of article 317.
- (3) A person who holds office as a member of a Public Service Commission shall, on the expiration of his term of office, be ineligible for re-appointment to that office.

Removal and Suspension of a member of a Public Service Commission

- 317** (1) Subject to the provisions of clause (3), the Chairman or any other member of a Public Service Commission shall only be removed from his office by order of the President on the ground of misbehaviour after the Supreme Court, on reference being made to it by the President, has, on inquiry held in accordance with the procedure prescribed in that behalf under article 145, reported that the Chairman or such other member, as the case may be, ought on any such ground to be removed.
- (2) The President, in the case of the Union Commission or a Joint Commission, and the Governor, in the case of a State Commission, may suspend from the office of the Chairman or any other member of the Commission in respect of whom a reference has been made to the Supreme Court under clause (1) until the President has passed orders on receipt of the report of the Supreme Court on such reference.
- (3) Notwithstanding anything in clause(1), the President may by order remove from the office the Chairman or any other Member of a Public Service Commission if the Chairman , or such other member, as the case may be,- is adjudged as insolvent; or engages during his term of office in any paid employment outside the duties of his office; or is, in opinion of the President, unfit to continue in office by reason of infirmity of mind or body.

- (4) If the Chairman or any other member of a Public Service Commission is or becomes in any way concerned or interested in any contract or agreement made by or on behalf of the Government of India or the Government of a State or participates in any way in the profit thereof or in any benefit or emolument arising there from otherwise than as a member and in common with the other members of an incorporated company, he shall, for the purposes of clause(1) be deemed to be guilty of misbehaviour.

Power to make regulations as to conditions of service of members and staff of the Commission

318. In the case of the Union Commission or a Joint Commission , the President and, in the case of a State Commission, the Governor of the State may by regulations-

- (a) determine the number of members of the Commission and their conditions of service; and
- (b) make provision with respect to the number of members of the staff of the Commission and their conditions of service:

Provided that the conditions of service of a member of a Public Service Commission shall not be varied to his disadvantage after his appointment.

Prohibition as to the holding of offices by members of Commission on ceasing to be such members

319. On ceasing to hold office-

- (a) the Chairman of the Union Public Service Commission shall be ineligible for further employment either under the Government of India or under the Government of State;
- (b) the Chairman of a State Public Service Commission shall be eligible for appointment as the Chairman or any other member of the Union Public Service Commission or as the Chairman of any other State Public Service Commission, but not for any other employment either under the Government of India or under the Government of a state;
- (c) a member other than the Chairman of the Union Public Service Commission shall be eligible for appointment as the Chairman of the Union Public Service Commission or as the Chairman of a State Public Service Commission , but not for any other employment either under the Government of India or under the Government of State;
- (d) a member other than the Chairman of a State Public Service Commission shall be eligible for appointment as the Chairman or any other member of the Union Public Service Commission or as the Chairman of that or any other State Public Service Commission, but not for any other employment either under the Government of India or under the Government of a state.

Functions of Public Service Commission

- 320.** (1) It shall be the duty of the Union and the State Public Service Commission to conduct examinations for appointments to the services of the Union and the services of the State respectively.
- (2) It shall also be the duty of the Union Public Service Commission, if requested by any two or more States so to do, to assist those States in framing and operating schemes of joint recruitment for any services for which candidates possessing special qualifications are required.
- (3) The Union Public Service Commission or the State Public Service Commission , as the case may be, shall be consulted--
- (a) on all matters relating to methods of recruitment to civil services and for civil posts.
- (b) on the principles to be followed in making appointments to civil services and posts and in making promotions and transfers from one service to another and on the suitability of candidates for such appointments,promotions or transfers.
- (c) on all disciplinary matters affecting a person serving under the Government of India or the Government of a State in a civil capacity, including memorials or petitions relating to such matters;

- (d) on any claim by or in respect of a person who is serving or has served under the Government of India or the Government of a State or under the Crown in India or under the Government of an Indian State, in a civil capacity, that any costs incurred by him in defending legal proceedings instituted against him in respect of acts done or purporting to be done in the execution of his duty should be paid out of the Consolidated Fund of India, or, as the case may be, out of the Consolidated Fund of the State;
- (e) on any claim for the award of a pension in respect of injuries sustained by a person while serving under the Government of India or the Government of State or under the Crown in India or under the Government of an Indian State, in a civil capacity, and any question as to the amount of any such award, and it shall be the duty of a Public Service Commission to advise on any matter so referred to them and on any other matter which the President, or, as the case may be, the Governor of the State may refer to them;

Provided that the President as respects the all-India services and also as respects other services and posts in connection with the affairs of the Union, and the Governor, as respects other services and posts in connection with the affairs of a State, may make regulations specifying the matters in which either generally, or in any particular class of case or in any particular circumstances, it shall not be necessary for a Public Service Commission to be consulted.

- (4) Nothing in clause (3) shall require a Public Service Commission to be consulted as respects the manner in which any provision referred to in clause (4) of Article 16 may be made or as respects the manner in which effect may be given to the provisions of article 335.
- (5) All regulations made under the proviso to clause (3) by the President or the Governor of a State shall be laid for not less than fourteen days before each House of the Legislature of the State, as the case may be, as soon as possible after they are made, and shall be subject to such modifications, whether by way of repeal or amendment, as both Houses of Parliament or the House or both Houses of the Legislature of the State may make during the session in which they are so laid.

Power to extend functions of Public Service Commission

321. An act made by Parliament or, as the case may be, the Legislature of a State may provide for the exercise of additional functions by the Union Public Service Commission or the State Public Service Commission as respects the services of the Union or the State and also as respects the services of any local authority or other body corporate constituted by law or of any Public institution.

Expenses of Public Service Commissions

322. The expenses of the Union or a State Public Service Commission including any salaries, allowances

and pensions payable to or in respect of the members or staff of the Commission, shall be charged on the Consolidated Fund of India or, as the case may be, the Consolidated Fund of the State.

Reports of Public Service Commission

323. (1) It shall be the duty of the Union Commission to present annually to the President a report as to work done by the Commission and on receipt of such report the President shall cause a copy thereof together with a memorandum explaining, as respects the cases, if any, where the advice of the Commission was not accepted, the reasons for such non- acceptance to be laid before each House of Parliament.
- (2) It shall be the duty of a State Commission to present annually to the Governor of the State a report as to the work done by the Commission, and it shall be the duty of a Joint Commission to present annually to the Governor of each of the States the needs of which are served by the Joint Commission a report as to the work done by the Commission in relation to that State and in either case the Governor shall, on receipt of such report cause a copy thereof together with a memorandum explaining as respect the cases, if any, where the advice of the Commission was not accepted, the reasons for such non- acceptance to be laid before the Legislature of the State.

KERALA PUBLIC SERVICE COMMISSION

RULES OF PROCEDURE

Kerala Gazette No. 43 dated 2nd November, 1976

PART I (B) K P S C

Notification

AI (1) 8597/63/GW. Thiruvananthapuram, dated 9th October, 1976

The Original rules of procedure of the Kerala Public Service Commission are those issued under G.O (Ms) 1297/PD dated 23.10.1958. During March 1961, the Union Public Service Commission brought to the notice of Kerala Public Service Commission that the Rules of Procedure to be followed by the Commission for the discharge of their function should be framed by the Commission themselves because of their statutory position. It was also pointed out that this question had been examined in detail by the Union Public Service Commission with the Ministry of Law in the Government of India and that it had been held that under the Constitution of India the Union or the State Government are not competent to lay down the rule regulating the procedure to be followed by the Commission in the discharge of their functions. The Rules of Procedure of the Union Public Service Commission have been framed by Union Public Service Commission themselves and it is the case with the large majority of other State Public Service Commissions. In the above circumstances Kerala Public Service Commission prepared a draft Rules of Procedure to be followed by the

Commission in lieu of the Rules issued in the G. O (Ms) 1297/PD dated 29.10.1958 and forwarded the same to Government for their approval. The Government in their Letter No. 65757/SD4/76/PD dated 07.08.1976 have approved the Rules of Procedure. Accordingly the Kerala Public Service Commission have issued the revised Rules of procedure which have come into force with effect from 16th August, 1976. The rules have been published in the Gazette dated 05.10.1976 which are reproduced below.

The Kerala Public Service Commission hereby makes the following Rules of Procedure

RULES

Preliminary

1. These rules shall be called the Kerala Public Service Commission Rules of Procedure and shall come into force on and from the 16th day of August, 1976.
2. In these rules, unless the context otherwise requires,
 - (a) "**Advice list**" means list of candidates drawn from the ranked list and arranged on the basis of the rules of recruitment relating to the post in respect of the vacancies reported from time to time.
 - (b) "**Commission**" means the Kerala Public Service Commission;
 - (c) "**Examination**" includes *preliminary screening tests, Written Examinations, Practical

* *In Clause (c) the words preliminary screening tests inserted vide notification number A5-2/50/2019-KPSC dated 11/08/2020 published in the Kerala Gazette number 1880 dated 19/08/2020*

Examinations, Physical Efficiency Test, Oral Test (Interview) and any other test or examinations which the commission may deem fit to hold;

- (d) **“Gazette”** means the Kerala Government Gazette;
- (e) **“Government”** means the Government of Kerala;
- (f) **“Member”** means a Member of the Commission and includes the Chairman thereof;
- (g) **“Ranked List”** means the list of candidates arranged in the order of merit either on the basis of the interview or examination or by both;
- (h) **“Service”** includes the State Services and Subordinate Services referred to in the Kerala Civil Services (Classification, Control and Appeal) Rules, 1960 or any other service as may be covered by appropriate legislation providing for the exercise of additional functions by the Commission.
- (i) **“Reserved categories”** include Other Backward Classes, Scheduled Castes, Scheduled Tribes, Persons with disabilities and any other reserved categories identified by the Government from time to time”.

* *Clause (i) inserted vide notification number A5-2/50/2019-KPSC dated 11/08/2020 published in the Kerala Gazette number 1880 dated 19/08/2020*

Part I

RELATIONS OF THE COMMISSION WITH GOVERNMENT AND SUBORDINATE AUTHORITIES

- 2A **“The Commission shall have the power to conduct Preliminary Screening Test and to short list candidates who could be permitted to appear for the rule 3 examination. The marks secured by the candidates in the preliminary screening test will not be counted for the final ranking. The Commission shall have the liberty to fix different cut off marks for various reserved categories in the preliminary Screening Test to ensure their representation among the candidates eligible to appear for the examination prescribed under rule 3. Relaxation in marks given at the preliminary stage will not have any impact in determining the final ranking”.*
3. The Commission may conduct all or any one or more of the following examinations to assess the merits of candidates considered for recruitment to a service or post;
- I. Written Examination
 - II. Practical Test
 - III. Physical Efficiency Test
 - IV. Oral Test (Interview)
 - V. Any other test or examination, which the Commission may deem, fit to hold.

* *Rule 2A inserted vide notification number A5-2/50/2019-KPSC dated 11/08/2020 published in the Kerala Gazette number 1880 dated 19/08/2020*

4. Where a written examination and/or a practical test is conducted by the Commission for recruitment to a service or post, the Commission shall -

i. Announce:-

- (a) The qualifications required of the candidates for the examination
- (b) The conditions of admission to the examination including the fees
- (c) The Subjects, Scheme or Syllabus of the examination, and
- (d) The number of vacancies to be filled from among the candidates for the examination.

Provided that where the exact number of vacancies to be filled is not ascertainable, the Commission may either announce the approximate number of vacancies to be filled or state that the number of vacancies to be filled has not been estimated.

- ii) Invite applications and consider all the applications so received.
- iii) Make all arrangements for the conduct of the examination for the candidates whose applications are found to be in order, and
- iv) Prepare a list in the order of merit of such number of candidates as the Commission may determine from time to time.

Provided that the Commission may also prepare separate ranked lists in the order of merit of candidates

coming under separate groups in accordance with the qualifications or other conditions as stipulated in the notification.

Provided further that for the purpose of satisfying the rules of reservation of appointment to Scheduled Castes, Scheduled Tribes, *Other Backward Classes and any other reserved categories identified by the government from time **to time also the Commission may prepare such supplementary lists, ***separate lists as found necessary from time to time in the order of merit of the candidates belonging to such classes.

5. Where an oral test (interview) alone is to be conducted by the Commission for recruitment to a service or post the Commission shall-
 - i. Announce the qualification and other conditions including fee required of candidates and the number of vacancies to be filled – up:

Provided that when the exact number of vacancies to be filled is not ascertainable the Commission may either announce the approximate number of vacancies to be filled or state that the number of vacancies has not been estimated.

* *inserted vide notification number A5-2/50/2019-KPSC dated 11/08/2020 published in the Kerala Gazette number 1880 dated 19/08/2020*

** *The word to inserted vide erratum notification number A5-2/50/2019-KPSC dated 11/09/2020 published in the Kerala Gazette number 2276 dated 07/10/2020*

*** *inserted vide notification number A5-2/50/2019-KPSC dated 11/08/2020 published in the Kerala Gazette number 1880 dated 19/08/2020*

- ii. Invite applications, consider all applications so received and interview the candidates whose applications are found to be in order:-

Provided that where the number of qualified applicants is unduly large having regard to the number of vacancies the Commission may restrict the number of candidates to be called for the oral test (interview) to such extent as they may decide after conducting any examination as they deem fit.

Provided further that the Commission may also restrict the number of candidates to be called for oral test (interview) on the basis of any one or more of the following criteria:-

(a) Higher qualification

(b) Higher marks

**[(c) deleted.]

6. Where the oral test (interview) is conducted by the Commission, Commission shall invite the appointing authority and/ or the Head of Department concerned to be present or to appoint a representative to be present and the Appointing Authority and/or the Head of Department or his representative so present may take part in the deliberations of the Commission but shall not be entitled to award marks:

Provided that the Commission shall invite, wherever they consider it necessary, any person or persons with expert knowledge in particular subjects to be present at the interview to assist the Commission but such person or persons shall not be entitled to award marks:

* *(Clause “(c)-age” deleted vide Notification No. AIV (2) 11279/82/GW dated 20.10.1987 and published in K.G No.50 dated 22nd December 1987. The Honourable High Court held the clause as void as offending Art.XIV of the Constitution in O.P.No. 2815/82.)*

Provided further that for the interview of candidates for recruitment to any post in the Kerala Legislature Secretariat the Commission shall request the Speaker of the Kerala Legislative Assembly to be present or to depute his representative to be present and the Speaker or his representative so present may take part in the deliberations of the Commission, but shall not be entitled to award marks:

Provided also that for the interview of candidates for selection to posts which are common to more than one department the District Collector of the area in which the interview is conducted or his nominee shall be invited, instead of the Head of Department.

7. The deliberations of the Commission at the interview of candidates including award of marks to the candidates shall be kept secret and this rule shall be binding on the Head of Departments or their representatives or other experts who are present at the interview.
8. It shall be the duty of the Heads of Departments, their nominees and other experts to be present at the interview at the appointed time in response to the invitation of the Commission and to co-operate with the Commission in the fair conduct of selection.
9. The Heads of Departments/their representatives and other experts who violate rule 7 and 8 above or misbehave or act in any manner, so as to affect the fair conduct of selection, shall be deemed to be guilty of misconduct and shall be liable for disciplinary action and/or other penal action as per law.
10. Notwithstanding anything contained in these rules the Commission may in consultation with the Government

adopt for purposes of recruitment in any particular cases or class of cases a special procedure as more appropriate than the one prescribed in any of these rules.

11. A decision as to the following shall be taken by the Commission in respect of all selections made by them.

I. Whether any candidate possesses the prescribed qualifications for the post;

II. The basis on which the marks should be awarded;

III. The minimum or minima of marks for inclusion in the ranked list;

IV. The manner in which the practical examination, physical efficiency test or any other test or examination is to be conducted.

V. Any other matter incidental to the selection.

12. All the candidates interviewed and who obtained not less than the minimum marks fixed by the Commission shall be included in the ranked list prepared in the order of merit:

provided where the candidates have been called for interview for the purpose of satisfying the rules of reservation alone such candidates who have got not less than the prescribed minimum marks in the interview shall be included in the supplementary list or lists arranged in the order of merit among the candidates belonging to each class.

Provided further that the Commission may also prepare list or lists of such categories of candidates who have got not less than the prescribed minimum marks in the interview and who are entitled to priority according to the terms of the

notification inviting applications.

*Provided further that the Commission may also prepare lists of over aged candidates who have secured not less than the prescribed minimum marks in the interview and who are eligible to be considered for appointment in the absence of candidates who confirm to the rules regarding age limits.

**Note:- For the purpose of production of documents as required by the Commission prior to selection to a post, the date of finalization of the Ranked List shall mean the date of interview of the candidate or the date fixed for production of documents on the date of interview or in the absence of interview the date fixed for production of documents whichever occurs later, as the case may be.

***12.A Where preferential qualification is prescribed for a post, the ranked list relating to it shall be prepared in the manner stated below:-

- i. In cases where minimum qualification is prescribed with the condition that candidates with certain additional qualification will be preferred, the Commission shall prepare only one ranked list. Separate marks shall not be awarded for the preferential qualification. Between two candidates scoring the same

* *(Proviso added vide Notification No. AII(2) 18561/67/GW dated 15.11.1978, published in the K.G. No.48 dated 28.11.1978)*

* **Note inserted vide Notification No. AV(2)11005/14/GW dated 02/02/16 in K.G.No. 12 dated 22/03/16*

** **Rule 12 A incorporated vide notification No. AII (2) 18561/67/GW dated: 15.11.1978*

number of marks at the written test/practical test or interview or both, the candidates possessing the preferential qualifications shall be ranked above the candidate securing the same number of marks and not having the preferential qualification.

- ii. In cases where the qualification for a post is so prescribed that candidates possessing a lower qualification will be selected only in the absence of candidates with certain higher qualification, the Commission shall prepare separate ranked list in respect of candidates possessing the higher qualification and the lower qualification.

13. The ranked lists published by the Commission shall remain in force for a period of one year from the date on which it was brought into force provided that the said list will continue to be in force till the publication of a new list after the expiry of the minimum period of one year or till the expiry of *three years whichever is earlier.

[Provided that the above rule shall not apply in respect of ranked lists of candidates for admission to Training Courses that leads to automatic appointment to Services or posts and that in such cases the Ranked Lists shall cease to be in force after **one year from the date of finalization of the Ranked

* *(As amended vide Notification No. AI(4) 9160/83/GW dated 04.09.1984 (w.e.f. 04.09.1984) Prior to amendment the clause read as "expiry of two years whichever is earlier")*

** *(The proviso to rule 13 were amended as above by Notification No. AV(2)2376/14/GW dated 04.04.2016 published in K.G.No.803 dated 15/04/16)*

Lists.]

[Provided further that the provisions of the proviso above mentioned shall not be applicable for the selection for admission to the Forest Rangers Course and also for admission to the Diploma Course in Forestry for which selections have to be made annually in accordance with the instructions of the Government of India issued from time to time. For these selections, the Ranked Lists will be in force only for a period of three months from the date of finalization of the Ranked Lists or one month from the date of commencement of the course whichever is later.]

Provided further that the Commission may take steps for the preparation of a new ranked list wherever necessary even before the expiry of the period of one year of the ranked list, by inviting applications but that the ranked list prepared in pursuance of the said notification shall be brought into force only after the expiry of the period of one year of the existing ranked list.

*[Provided further that a ranked list from which no candidate is advised during the period of one year from the date on which it was brought into force shall be kept in force till the expiry of three years from the said date and in a case where no candidate is advised from the ranked list till the expiry of the said period of three years, the duration of the ranked list shall be extended by the Commission for a further period of one year or till at least one candidate is advised from

* *This proviso incorporated vide Notification dated 08/02/1978 (w.e.f. 01/09/1977) was replaced as above by Notification no. AI(4) 10116/86/GW dated 26/06/1986 published in K.G.No. 33 dated 19/08/1986. This amendment shall take effect on and from 04/09/1985.*

the list whichever is earlier.]

**[“Provided further that if the Commission is satisfied of the existence of a period of general ban declared by the Government on the reporting of vacancies to the Public Service Commission or of any other circumstances or of any extraordinary situation in which the reporting of vacancies by the Appointing Authority is prevented or restricted or delayed, the Commission shall have the power to keep alive the Ranked Lists which are normally due to expire during the said period for such periods as may be decided by the Commission subject to a minimum period of three months or for such further periods but *(not exceeding one and a half year in the aggregate). If the Commission so decides it shall issue a notification keeping alive the ranked lists in the above manner and shall advise candidates from such ranked lists to the vacancies reported during such extended period of validity of the Ranked Lists”]

14. The Commission shall advise candidates for all the vacancies reported and pending before them and the vacancies which may be reported to them for the period during which the ranked lists are kept alive in the order of priority, if any, and in the order of merit subject to the rules of reservation and rotation, wherever they are

** *Fifth proviso to rule 13 added by Notification dated 24.07.1993 was first substituted by Notification No. A V (3) 38126/99/GW dated 23.05.2000 published in K.G Ext. No. 1135 dated 17.06.2000. The proviso was again substituted by Notification No. A V(2)4182/2002/GW dated 04.09.2002 with effect from 06.02.2002.)*

* *(Substituted for the words “not exceeding one year in the aggregate” by Notification No. AV (2) 4182/2002/GW dated 05.02.2003, published in K.G. Ext. No. 589 dated: 05.04.2003.)*

applicable.

**[deleted]

15. The ranked lists prepared by the Commission shall in the first instance be published in such manner as the Commission may deem fit and thereafter they shall also be published in the Gazette and the ranked lists shall be deemed to have come into force from the date of finalization of the lists as indicated in the lists. The advice lists of candidates for appointment shall be published in the Gazette from time to time but such lists shall be deemed to have come into force from the date shown in the advice letter of the Commission. The candidates advised for Appointment shall also be informed of such advice by the Commission.

- *15A. The Commission shall have the power to correct any clerical, typographical, arithmetical or other mistakes in the ranked lists, advice lists or short lists etc.. or errors

*** (Proviso and Note to Rule 14 added by Notification No. AI (I) 11709/93/GW dated 24.07.1993 and was deleted by Notification No. AV (3) 38126/99/GW dated 23.05.2000 published in K.G. Ext.No.1135 dated 17.06.2000. This amendment shall be deemed to have taken effect on and from 16.02.2000. Deleted provision ran:- “ Provided that the advice of candidates by the Commission from the ranked lists kept alive under the fifth proviso to Rule 13, shall be confined to the vacancies that actually arose during the normal period of validity of the ranked lists under rule 13 and certified to be as such by the appointing authorities reporting vacancies to the Public Service Commission.*

Note:- “ The prolongation under the fifth proviso to rule 13 shall not be deemed to be part of the normal period of validity of the ranked list under rule 13”

** (Inserted vide Notification AI (I) 14509/89/GW dated: 31.05.1991. (w.e.f. 31.05.1991)*

arising therein from any accidental slip or omission at any time, either on its own motion or on the application of any of the parties concerned.

16. When any examination is to be held to test the proficiency of classes of Government Servants in the subjects prescribed for Departmental Examination, the Commission shall:-

- i. Advice Government in regard to prescribing
 - a) the conditions of admission to the examination
 - b) the syllabus of the Examinations
 - c) the minimum marks for a pass in the Examination
- ii. make all arrangements for the conduct of the examination.
- iii. Publish the results in the Gazette and in any other manner the Commission may deem fit.

17. (a) Applications for re-registration from candidates discharged from service for want of vacancies from 'common posts' as contemplated in the proviso to Rule 7 in Part II of the Kerala State and Subordinate Services Rules, 1958 should be accompanied by certificates of discharged in the form prescribed by Government issued by the competent authority in the Department from which they were discharged, certifying to their service. On receipt of such applications with certificates of discharge, the names of such candidates will be re-registered by the Commission and such candidates will have a preferential claim for appointment to the post, over

fresh recruits. Seniority among re-registered candidates shall be based on the date of earliest effective advice.

Note:- The term 'common posts' occurring in the above rule means posts which are common to more than one department and which belong to the same service for which a common ranked list is prepared by the Commission.

(b) The Commission may refuse re-registration, if there is delay of over ninety days in applying for re-registration from the date of relief and the candidate is unable to prove to the satisfaction of the Commission that the delay was unavoidable and owing to circumstances beyond the control of the candidate. The Commission shall not under any circumstances condone a delay of more than twelve months.

18 (i) The advice of a candidate made by the Commission for recruitment to any post in the service who does not join duty in the post in pursuance of the order of appointment shall, unless the Commission are satisfied that the order has not been *sent to the candidate by registered post with acknowledgment due, be cancelled and his name deleted from the ranked lists.

(ii) Any candidate whose name has been included in a ranked list prepared by the Commission may relinquish *his claim for appointment in writing, giving

* (Clause (i) of rule 18 was replaced by Notification No. AI (4) 2030/81/GW dated: 19.11.84. The clause prior to amendment read as “has not been served on the candidate be cancelled and his name deleted from the Ranked List”)

* (Clause (ii) of rule 18 amended vide Notification No. AI (4) 8482/82/GW dated: 15.11.83 (w.e.f. 01.12.1983) prior to amendment it read as “.....at any time before the receipt of order of appointment.)

his/her full address and signature duly attested by a
**Gazetted Officer of the State/Central Government with signature, name, designation and office seal on or before the date of receipt of requisition for advice based on which he/she is to be advised. The Commission shall thereupon remove his/her name from the ranked list and advise another candidate according to rules. The candidate whose name has been so removed from the ranked list shall be informed of such removal by the Commission.

***Provided that the request for relinquishment received within 15 days after the date of publication of the ranked lists shall also be considered in cases where there are requisitions of vacancies pending with the Commission before the publication of the Ranked Lists.

** *Amended vide Notification No. AI (4) 8482/82/GW dated: 15.11.83 (w.e.f. 01.12.1983) was again replaced by Notification No. AV (3) 11120/03/GW dated: 17.07.2003 published in K.G. Ext. No. 665 dated: 29.03.2005. The replaced (ii) ran:- "Any candidate whose name has been included in a ranked list prepared by the Commission may relinquish his claim for appointment in writing, giving his full address and signature attested by an officer not below the rank of a Tahasildar under his seal, on or before the date of receipt of requisition for advice against which he/she is to be advised. The Commission shall thereupon remove his name from the ranked list and advise another candidate according to rules. The candidate whose name has been so removed from the ranked list shall be informed of such removal by the Commission. This amendment shall have effect from 01.01.1983"*

****(Proviso added by Notification No. AV (2) 19859/06/GW dated: 22.07.2013)*

*“Provided further that the application for relinquishment shall be submitted along with a notarized affidavit and a self attested copy of an identity proof bearing photograph of the applicant, as enlisted in the general conditions”

iii. **When a candidate whose name has been included in more than one Ranked List for the same post in the same department/different departments finalized on the basis of the very same of any other notification under different methods of recruitment/appointment and for which a common advise list is prepared and the said Ranked Lists are operated simultaneously, and when such a candidate is advised by the Commission from anyone of the aforesaid Ranked Lists, his name shall be abrogated from the other Ranked Lists”.

19 The Commission may, if and when requested by the State Government, select candidates for training for any course or for any profession or for any scholarship or stipend or for any other purpose and in such selections the Commission shall consistent with the nature of the particular selection follow as far as possible the procedure laid down in these rules.

* *Proviso inserted vide notification No. A5-2/50041/2018-KPSC dated 07/12.2020 published in the Kerala Gazette No. 2945 dated 07/12/2020.*

** *(Clause (iii) inserted vide Notification AV (2) 40352/98/GW dated: 21.07.2001 and modified by Notification No. AV (1) 23819//GW dated: 24.07.2013 before modification in read as “A candidate whose name has been included in more than one ranked list for the same post in the same department/various departments finalized on the basis of the very same notification under different methods of recruitment/appointment and when such a candidate is advised by the Commission for recruitment from anyone of the aforesaid Ranked Lists, his name shall be removed from the other Ranked List/Lists”)*

Provided that the ranked lists prepared by the Commission in such selection shall cease to be in force after one month from the date of commencement of the training course or three months from the date of coming into force of the ranked list whichever is later.

20. In any case in which the Commission are consulted under Sub-Clause (c) of Clause (3) of Article 320 of the Constitution of India or any disciplinary matter or on an memorial or petition relating to such matter, the records of the case shall be forwarded to the Commission and the advice of the Commission shall form part of the records.

A copy of the letter containing the advice of the Commission or of the portion of the advice which relates to a particular officer or officers shall, unless the order passed on the case is one of acquittal be communicated to the Officer or Officers concerned along with a copy of the order of the authority empowered to pass orders on the case.

21. The Commission may, at any time, call for any record, report or information which may in their opinion be necessary to enable them to discharged their functions, from the Government or from any Head of a Department or other authority subordinate to the State Government or any local authority or other body corporate constituted by law or a public institution and such record, report or information shall be furnished to the Commission without undue delay by the State Government or authority concerned unless the Government certify that the same:-
 - a) cannot be furnished without undue labour, or

b) should be withheld in the public interest.

22. Candidates who are found guilty of the following items of misconduct shall be liable for disqualification for being considered for a particular post or debarment from applying to the Commission either permanently or for any period or the invalidation of their answer scripts or products in a written/practical test or the intimation of criminal or other proceedings against them or their removal or dismissal from the office or the ordering of any other disciplinary action against them if they have already been appointed, or any one or more of the above.
1. Any attempt by or on behalf of candidates applying for selection by the Commission to influence the Chairman or any Member of the Commission or the Experts or Examiners who assist the Commission or to canvass support for their selection.
 2. Any attempt to influence the staff of the office of the Commission to do undue favour or to divulge any information which is to be kept secret until it is officially released under the Orders of the Commission.
 3. Making of any false statement in the application Form or its Annexure or any document produced in connection with a selection or suppression of any material fact relevant to the selection from the Government.
 4. Production of any false or tampered document before the Commission or the tampering with any document produced before the Commission

- in connection with a selection after their production.
5. Any attempt to prefer any false compliant before the Commission about a rival candidate in a selection.
 6. Making any false allegation against the Chairman or any other Member of the Commission or any Expert or Examiner who assists the Commission or any member or Staff of the Commission in connection with a selection.
 7. Any improper behaviour in connection with any interview or examination held by the Commission.
 8. Tampering with any answer book in an Examination conducted by the Commission or writing anything in such answer book in any manner which in the opinion of the Commission would lead to the identification of the candidate against the instructions contained in the answer book.
 9. Any other conduct which, in the opinion of the Commission is likely to affect the fair and just selection of candidates by the Commission.
23. The commission shall present to the Governor through the Chief Secretary to Government by the 15th July of each year a report as to the work done by the Commission during the preceding financial year as required by Article 323 (2) of the Constitution of India.

24. All references made to the Commission shall be in the form of letter addressed to the Secretary.

*24 A. For the purpose of all Legal Proceedings the Commission may sue or be sued in the name of Secretary, Kerala Public Service Commission.

Part II

INTERNAL MATTERS

25. The Programme of the Commission drawn up from time to time shall be deemed to be the notice for the meetings of the Commission provided that the Commission may meet at any time to transact urgent business. The agenda for a meeting shall be decided by the Chairman.

**Provided that in the normal course, the Commission will have their sitting for purposes other than interview of candidates, on every Monday. If Monday happens to be a holiday the sitting will be on the next working day. The sub committees constituted by the Commission shall hold meeting at least once in a month. The first sitting of the sub committee will be on the next working day of the first sitting of the Commission.

26. Every question at a meeting of the Commission shall be determined by a majority of the votes of the Members present and voting on the question, and in case of an equal division of votes, the Chairman shall

**(Incorporated vide Notification AV(2) 22682/98/GW dated 04.11.1999)*

***(Proviso added vide Notification AI (1) 12135/82/GW dated: 25.10.83 and substituted vide Notification No.AV (2) 19869/06/GW dated: 06.06.2006 (w.e.f. 1st July 2006)*

have and exercise a second or casting vote.

27. Every meeting of the Commission shall be presided over by the Chairman or in his absence by the Member appointed under Rule 32 to exercise the powers of the Chairman. The quorum for a meeting of the Commission shall be *three of whom one shall be the Chairman or a Member appointed to exercise powers of the Chairman under rule 32.

If at any meeting at which any of the Members is not present or there is disagreement between the Members present, the matter shall be either discussed at the following meeting when all the Members are present or if the Chairman so directs the opinion of the absentee Member shall be obtained before a final decision is arrived at.

28. The Commission may, wherever they consider necessary, authorise one or more Members of the Commission to dispose of such matter as the Commission deem fit, including interview of candidates or conduct of Examinations.

Provided that the decision taken or the selection made shall be placed before the Commission for their approval.

29. The Commission may, subject to such directions as they think fit delegate to an individual Member or to a Committee constituted from among the Members any or all of the following functions:-

* *(As amended vid Notification No.AI (4) 5947/83/GW dated 05.06.83 .
Prior to amendment it read as "two")*

1. Arrangements and conduct of examination for recruitment.
2. Arrangements and conduct of Departmental Examination.
3. Scrutiny of applications for recruitment or for admission to any examination.
4. Concurrence for continuance of temporary appointments made under Rule 9 (a) (I) of the General Rules for the Kerala State and Subordinate Services:

Provided that the Commission may add to or amend the above list.

30. The Commission may nominate a member to be the Chairman of one or more Departmental Promotion Committees.
31. The proceedings of the Commission shall not be invalidated by reason of any vacancy in the office of the Chairman or any other member.
32. If the Chairman is unable to be present at a meeting of the Commission he may appoint one of the other members to act for him and the Member so appointed shall have all the powers of the Chairman at that meeting.

Provided that unless the Chairman otherwise directs, no action shall be taken upon any decision arrived at in a meeting at which he was not present until he has been informed of such decision and upon being so informed, he may direct that any such decision shall be re-considered at a

meeting at which he is present.

33. All decisions of the Commission shall be recorded in such a manner as the Commission may direct. It shall be open to any Member who dissents from a decision to record his dissent and if he thinks fit also his reasons for such dissent.
34. Whenever the Commission are required to give advice or forward proposals to or to be consulted by any authority, the decision of the Commission shall be communicated in the form of a letter and in a case where the decision is not unanimous, neither the fact of not the grounds for the dissent shall be communicated, unless the Chairman so directs.
35. The Commission may refer any matter to an individual Member or to a committee consisting of Members who may, if necessary, assisted by any other person or persons as the Commission may appoint for consideration and report to the Commission.
36. The Chairman, or in his absence any other Member designated by him in this behalf may deal with any urgent matter appearing to him to require immediate action. Such action shall be placed before the Commission as early as possible.
37. In any matter for which no provision is made in these rules the commission may regulate their proceedings in such manner as they think fit.
38. **Repeal** :- The Kerala Public Service Commission Rules of procedure issued in G.O (Ms) 1297/Public Department dated 28.10.1958 are hereby repealed provided that:-

- a. Such repeal shall not affect the previous operation of the said rules, notifications and orders or anything done or any action taken thereunder.
 - b. Any proceedings under the said rules, notifications or orders pending at the commencement of these rules shall be continued and disposed of as far as may be in accordance with the provisions of these Rules.
39. Amendment:- The Commission shall be competent to make any amendment to these rules provided that an amendment to the provisions contained in Part I of these rules shall be made with the concurrence of the Government.

Part - III

40. Savings:- nothing contained in Parts I & II of these rules shall be deemed to limit or affect the power of the Commission to make such orders as may be necessary to give effect to any of the provisions of the Constitution of India or for the proper discharge of the functions of the Commission.

Provided that no such order, which has an over-riding effect on, the provisions contained in Part I of these rules shall be made by the Commission without the prior concurrence of the Government.