

CHAPTER II GENERAL ADMINISTRATION DEPARTMENT

Functioning of Kerala Public Service Commission

Highlights

The Performance Audit of the Functioning of Kerala Public Service Commission focussed on the performance of its mandated functions and duties. The Performance Audit revealed deficiencies in framing of Special Rules, reporting of vacancies and publishing of notifications, denial of selection for appointment to the Differently Abled and defects in rendering advice to Government. Major findings in Audit are given below:

The Kerala Public Service Commission (KPSC) had not issued notifications in respect of at least 452 vacancies to be filled up against 128 posts in different Departments/Institutions. Delay ranging from 11 to 77 months was noticed in publication of notifications by KPSC which delayed the selection process.

(Paragraph 2.6.3.1)

KPSC had altered the eligibility criteria fixed by Government of India for the Differently Abled thereby denying appointment to persons with disabilities which was a violation of rights and opportunities guaranteed by Persons with Disabilities Act, 1995.

(Paragraph 2.6.8)

Data on pendency in selection to various services of the State pertaining to the years 2010 to 2015 showed that only 17 to 28 per cent of selections were completed within one year.

(Paragraph 2.6.10)

Decision of KPSC to consider Not Joining Duty (NJD) vacancies as fresh vacancies resulted in loss/gain of several turns to various communities/categories including loss of 11 vacancies to Differently Abled candidates.

(Paragraph 2.6.7.2)

Though the facility of scribe was to be allowed in an examination to any visually challenged person with disability of 40 per cent or more, if so desired by the person, KPSC permitted facility of scribe only to visually challenged candidates with disability of 75 per cent or more.

(Paragraph 2.6.8.1)

Failure of KPSC to complete the work of computerisation of rotation process through the entrusted agency/team resulted in non-completion of computerisation process in KPSC.

(Paragraph 2.6.11.3)

2.1 Introduction

Article 315 of the Constitution of India lays down that, there shall be a Public Service Commission for each State. The duties and functions of the Public Service Commission are to conduct examinations for appointments to the services of the State and was required to be consulted³ on all matters relating to methods of recruitment to civil services/civil posts, making promotions and transfers from one service to another, disciplinary matters affecting a Government servant, etc. The Kerala Public Service Commission (KPSC) was established on 01 November 1956. The Chairman and Members of KPSC are appointed by the Governor of the State for a period of six years or till they attain the age of 62 years, whichever is earlier. The expenses connected with the KPSC are charged on the Consolidated Fund of the State. Every year, the KPSC has to present an Annual Report on the work done to the Governor for laying before the Legislature. During the period 2011-12 to 2015-16, the KPSC had conducted 1233 examinations for notified posts and issued appointment advices to 1.51 lakh candidates.

2.2 Organisational set up

The Governor of the State may, by regulations, determine the number of members of KPSC. The present KPSC comprises the Chairman and 20 members (March 2016). The Head Office of KPSC is located at Thiruvananthapuram. The Head of office of the KPSC is the Secretary, who is appointed by the Commission with prior approval of the Governor and is in general charge of all offices of the KPSC. The KPSC has three Regional Offices at Kollam, Ernakulam and Kozhikode and a District Office in each District. The Regional and District Offices are headed by Regional Officers and District Officers respectively.

2.3 Audit Objectives

The Performance Audit was conducted to assess whether:

- the mandated function of conducting examinations and interviews for appointments to various services was carried out efficiently and effectively by KPSC;
- the advice sought by Government relating to recruitments, appointments to services/disciplinary action was rendered by the KPSC and acted upon timely by Government and;
- adequate financial and human resources were available with the KPSC to discharge its constitutional functions.

³ The Governor of the State by virtue of proviso to Article 320 (3) of the Constitution may make regulations specifying matters in which consultation with KPSC is not necessary. The Kerala Public Service Commission (Consultation) Regulations, 1957 was framed invoking this provision.

2.4 Audit criteria

Audit findings were benchmarked against the criteria derived from the following documents.

- The Kerala Public Services Act, 1968
- Kerala Public Service Commission Rules of Procedure, 1976
- Kerala Public Service Commission (Consultation) Regulations, 1957
- Various Acts/Regulations providing additional functions to KPSC
- Kerala State and Subordinate Service Rules (KS&SSR), 1958
- Special Rules/Executive Orders/Orders of Government of Kerala/Circulars
- Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995
- KPSC Manual

2.5 Scope and methodology of Audit

The Performance Audit covered the period 2011-12 to 2015-16 and was carried out from April 2016 to October 2016, by test check of the relevant records in the Departments of General Administration (GAD) and Personnel and Administrative Reforms (P&ARD) in the Government Secretariat, the Headquarters of the KPSC, one selected Regional Office at Ernakulam and five selected District Offices *viz.* Thiruvananthapuram, Ernakulam, Malappuram, Wayanad and Kannur. We applied Stratified Random Sampling Method to initially select districts of Thiruvananthapuram, Ernakulam, Pathanamthitta, Wayanad and Malappuram for detailed audit. However, based on the suggestion of the Secretary, KPSC, it was decided to replace Pathanamthitta with Kannur district, where the recruitment rate was high.

Audit methodology included scrutiny of records and gathering of evidence by issue of Audit Enquiries. An Entry Conference with the Secretary, GAD, Secretary, KPSC and officers of the Finance Department was held on 05 May 2016 wherein the scope, objectives, criteria and methodology of the Performance Audit were discussed in detail. An Exit Conference was held with the Additional Chief Secretary, GAD and Secretary, KPSC on 21 December 2016, in which the audit findings were discussed in detail.

Audit Findings

2.6 Mandate of KPSC to conduct selection for appointments to various services⁴ of the State and compliance thereof

2.6.1 Framing of Special Rules

2.6.1.1 Delay in framing/amendment of Special Rules for Government Departments

As per the constitutional mandate, selection to the posts of the State and Subordinate Services of all Departments were to be made through KPSC. Further, as per Section 2 of Kerala Public Services Act 1968 (Act), Government of Kerala (GOK) had to make Rules for regulating the recruitment and conditions of services of persons appointed to public services and posts in connection with the affairs of the State. Accordingly, various circulars were issued by GOK, detailing the procedure for framing of Special Rules according to which the Administrative Departments concerned were required to finalise the Special Rules.

We noticed that, even after 47 years of enactment of the Act, Special Rules were not framed for 12 services⁵. We scrutinised the Government files related to eight of these 12 services and observed that non-framing of Special Rules was due to delay on account of discussions with Service Associations, examination by the Subject Committee of the Legislature, etc. In the absence of Special Rules, the method of appointment, qualification, etc., for appointment to posts under these services were regulated through Executive Orders of the Government. Despite GOK issuing instructions to take expeditious action for framing of Special Rules to give statutory validity to Executive Orders, Special Rules for the above services were yet to be framed (January 2017).

We also observed that, even in the case of Departments where Special Rules were framed, the Rules needed to be amended, as they were framed prior to 1980 and major changes had since occurred in the qualifications stipulated and the method of appointment. It was seen that, despite KPSC rendering advice on the amendment proposals sought for by GOK⁶ on different subjects like qualification, method of appointment, etc., amendments to Rules in respect of 15 services/posts⁷ were pending with GOK.

KPSC replied (December 2016) that, its role was limited to rendering advice to GOK and that the responsibility of framing the Special Rules rests with the concerned Department in GOK. GOK while stating (December 2016) that, there could be delay/irregularities in recruitments consequent to delay in

⁴ Service as defined in Rules of Procedure of KPSC

⁵ Kerala Agricultural State and Subordinate Services, Kerala Health State and Subordinate Services (except for Medical Officers and Nursing in Hospital), Kerala Medical Education State and Subordinate Services (except Nursing in Hospital), Kerala Sports and Youth Affairs State and Subordinate Services, Kerala Ministerial Subordinate Service, Kerala General Subordinate Service, Kerala Soil Conservation Subordinate Service and Kerala Local Fund Subordinate Service

⁶ 73 occasions during 2011-12 to 2015-16

⁷ PWD Architectural wing, Scheduled Caste Development Department, Tractor Driver in Ground Water Department, Government Presses Subordinate Service, Livestock Inspector/Refrigerator Mechanic/Chick Sexer in Animal Husbandry Department, Range Forest Officer in Forest Department, Women Protection Officer in Social Justice Department, Museum and Zoos Department, Police, Fisheries, Revenue, Legal Metrology, National Cadet Corps, Sainik Welfare, Archives Department etc.

framing/amending rules and imparting statutory validity to Executive Orders, informed that, directions had been issued (August 2016) to all Administrative Departments to finalise the process of framing Special Rules by 31 December 2016 in respect of posts for which Special Rules were yet to be framed.

Thus, the objective of giving statutory validity to appointments to the services under the State and avoiding any irregularity in recruitments through framing of Special Rules has not been fully achieved. This resulted in inability of the KPSC to discharge its mandated responsibility of making selection to various services of the State in various instances, as stated in paragraph 2.6.3.1.

2.6.1.2 Non-framing of Special Rules in Institutions brought under the purview of KPSC through enactment of Additional Functions Acts

Recruitment to posts in Kerala State Electricity Board Ltd. (KSEB), Kerala State Road Transport Corporation (KSRTC), Corporations⁸ and Companies, Co-operative Societies and Local Authorities was additionally entrusted to KPSC through enactment of Additional Functions Acts⁹ by the State Legislature and Rules made thereunder. These institutions were to consult the KPSC on all matters relating to the method of recruitment and principles to be followed in making appointments.

Though the Administrative Departments were to finalise the Recruitment Rules, we noticed that, Recruitment Rules were not framed in respect of 41 (**Appendix 2.1**) out of 147 Institutions and Local Authorities in the State. Though we sought records (May 2016) from KPSC relating to framing of Special Rules/Recruitment Rules in respect of 15 institutions, records relating to 12 institutions only were produced to us (June 2016) for scrutiny. It was seen that, though KPSC had rendered advice in 11 out of these 12 institutions, framing of rules was pending with GOK (**Appendix 2.2**). As evident from the Appendix, GOK was yet to submit draft Recruitment Rules despite KPSC rendering advice as early as in 1985 in respect of Kerala State Warehousing Corporation (KSWC) and in 1998, in respect of Kerala State Cashew Workers Apex Industrial Co-operative Society (CAPEX). Similarly, draft Recruitment Rules in respect of Kerala State Co-operative Marketing Federation (MARKETFED) was pending approval of GOK since 2009. In the absence of Special Rules, KPSC was not conducting selections to posts in any of the above 41 organisations.

We further conducted test check of records maintained by five of the 11 institutions which had obtained advice of KPSC for framing of Special Rules, which was pending with Government. Regular/temporary/contractual appointments to 224 persons were offered by four of these institutions bypassing the KPSC during 2011-12 to 2015-16. This included the KSWC, which offered regular appointments to 150 persons to various posts. These

⁸ The KPSC (Consultation by Corporations and Companies) Rules 1971 defined 'Corporation' to mean any of the Corporations specified viz., The Kerala State Financial Corporation, The Kerala State Warehousing Corporation, The Kerala Khadi and Village Industries Board, The Kerala Headload Workers' Welfare Fund Board, the Kerala Motor Transport Workers' Welfare Fund Board, The Kerala Labour Welfare Fund Board and Toddy Workers' Welfare Fund Board.

⁹ As per provisions in Article 321 of the Constitution, Additional Functions Act 1963 for KSEB, Act 1970 for KSRTC, Act 1970 for certain Corporations and Companies, Act 1973 for Local Authorities and Act 1996 for certain Societies

appointments were made based on the Recruitment Rules approved by their respective Board of Directors.

We observed that, the appointments made by the institutions themselves without involving the KPSC, was against the Circular (May 2007) of GOK on framing of Special Rules which instructed that, appointments in Companies/Corporations were to be made through KPSC to avoid corruption and to ensure provisions of reservations in appointments.

KPSC confirmed (December 2016) that, framing of Special Rules for which advice has already been rendered by KPSC was pending with GOK.

Recommendation 1: We recommend GOK to ensure framing of Special Rules for all services and institutions prescribing conditions of service and qualifications and their timely implementation.

2.6.2 Reporting of vacancies to KPSC

2.6.2.1 Delay in reporting of fresh vacancies

With a view to minimise the delay in recruitment of candidates to various posts in public service, GOK in consultation with the KPSC issued (between August 1971 and August 2015) instructions to all Heads of Departments/Appointing Authorities to report the vacancies estimated for the ensuing year in each category of posts to the KPSC by 01 June of every year in the proforma prescribed (September 1992). If no vacancies were anticipated, a 'Nil' report was to be sent. The existing/arising vacancies were also to be reported on a monthly basis.

During test check of recruitment files and connected records in KPSC, we noticed delays ranging from five months to nine years in reporting of fresh vacancies by State Departments such as General Education, Agriculture and Forests and Wildlife. We also noticed delays ranging from eight months to five years in reporting vacancies by companies such as Kerala State Handloom Development Corporation Ltd. and Kerala State Drugs and Pharmaceuticals Ltd. (**Appendix 2.3**). Thus, the delays in reporting of fresh vacancies by Government Departments and Companies had a cascading effect on filling up of vacancies in time.

2.6.2.2 Delay in reporting of vacancies due to Not Joining Duty

The appointing authorities were to issue appointment orders to the candidates advised by the KPSC within three months, failing which the fact was to be reported to the KPSC. GOK fixed (August 1986) the time period of joining duty as 45 days with provision for extension beyond 45 days in specific cases to be decided by Government. As per the instructions (February 1983/April 2013), if a candidate does not join duty within the prescribed period of 45 days, the vacancy is to be reported to the KPSC as Not Joining Duty (NJD) vacancy on the expiry of the joining period.

We noticed that, there were delays of more than three years in reporting NJD vacancies by the Department of Education (**Appendix 2.4**). Delayed reporting of such vacancies would result in delayed offer of appointment to other

eligible candidates from the same Ranked List and resultant impact on functioning of Departments concerned.

During Exit Conference (December 2016) GOK stated that, they have deputed teams to inspect and report upon the vacancy position in Departments.

2.6.2.3 Failure of KPSC to upload vacancy reports

As per the instructions of KPSC (July 2010), the vacancy positions were to be uploaded in the website of KPSC to ensure transparency in the functioning of the KPSC and timely dissemination of information to the candidates. The KPSC Manual stipulated that, the Section Officer in the Head Office/Regional Office/District Office shall send details of vacancies reported for a post to the e-mail account of the website. The Joint Secretary (Research and Analysis Wing) was responsible for uploading it on the website of the KPSC, immediately or on the next working day. Scrutiny of the web content of KPSC, however, revealed that the vacancy position was uploaded only in cases where the selection notifications were issued by the KPSC. The details of cases for which notifications were yet to be issued were not available in the website. Thus, the KPSC failed to ensure transparency and timely dissemination of vacancy position to the candidates.

The KPSC stated (January 2017) that, the vacancies could be uploaded in the website only after completion of procedures like issue of category number, etc., for notification of the post.

The reply was not tenable since the KPSC Manual clearly stipulated that, details of vacancies received were to be uploaded on that day or on the next working day.

Recommendation 2: GOK may issue instructions to Government Departments and institutions to promptly report yearly vacancies. KPSC may ensure timely publishing of vacancy position.

2.6.3 Publication of notification for recruitment

2.6.3.1 Vacancy requisitions pending notification

As per provisions of the KPSC Manual, defect free vacancy requisitions received in KPSC were to be acted upon immediately and if there was no Ranked List for the post, notification to the post was to be published within 30 days of reporting vacancy to the post. However, we observed that, as of 31 March 2016, the KPSC was yet to issue notifications in respect of at least¹⁰ 452 vacancies pertaining to 128 posts in different departments/institutions. While delay in notification of 107 vacancies ranged from one to five years, there was a delay of five to ten years in issuing notifications for 103 vacancies. Delay in issue of notifications ranged between 16 to 18 years in respect of two vacancies. The reasons for non-issue of notifications included delay in framing of Special Rules/amendment to Special Rules/clarification regarding Rules, court cases, clarification from Departments, etc.

On a scrutiny of selected recruitment files, we noticed delays ranging from 11 to 77 months in publishing of notification as shown in **Table 2.1**.

¹⁰ Four out of 22 sections in the KPSC did not furnish relevant information to us

Table 2.1: Delay in publishing notification in test checked cases

| Sl. No. | Name of Post | Date of first reporting of vacancy | No. of vacancies | Date of publication of notification | Period of delay |
|---------|--|------------------------------------|------------------|-------------------------------------|-----------------|
| 1. | Blacksmith Grade II in Kerala State Road Transport Corporation (KSRTC) | 23 May 2006 | 13 | 30 December 2009 | 42 months |
| 2. | Sales Assistant in Handicrafts Development Corporation of Kerala Ltd. | 03 June 2005 | 1 | 31 December 2011 | 77 months |
| 3. | Assistant Engineer (Civil) in Kerala State Housing Board/KSRTC | 05 July 2007 | 10 | 30 April 2009 | 20 months |
| 4. | Assistant District Industries Officer in Industries Department - Special Recruitment for SC/ST | 05 August 2008 | 1 | 31 December 2011 | 39 months |
| 5. | Agricultural Officer – Special Recruitment for ST | 20 March 2007 | 7 | 16 July 2012 | 62 months |
| 6. | Agricultural Assistant | 12 March 2008 | 8 | 31 March 2009 | 11 months |

(Source: Records of KPSC)

KPSC stated (August/November 2016) that, delay in issue of notification in the case of items 1, 4 and 6 was due to amendment effected to the qualification prescribed in May 2009, the Unit handling the notifications being vacant for about two years and delay occurring in obtaining clarifications sought for in the absence of Special Rules respectively.

KPSC failed to explain why notification was not issued in respect of item 1 between May 2006 (date of reporting of vacancy) and May 2009 (amendment to qualification). The delay in issue of notifications resulted in delay in offering of appointments to candidates.

Recommendation 3: KPSC may consider evolving an action plan to ensure prompt notification of all defect free vacancy requisitions received.

2.6.3.2 Lapsing of Ranked Lists without advising even a single candidate due to non-reporting of vacancy

As per instructions of Government issued from time to time since 1971 in consultation with the KPSC, the appointing authorities were to report anticipated/existing vacancies to KPSC for making recruitment. Further, as per instructions contained in the KPSC Manual (Paragraphs 202, 204 and 307), process of issuing notifications was to start only upon receipt of vacancy requisitions from the appointing authorities and selection proposals were to be finalised by KPSC only after ascertaining the up to date vacancy position from appointing authorities.

Scrutiny of recruitment files revealed instances of KPSC conducting recruitment process and preparing Ranked Lists without ensuring vacancy requisitions from appointing authorities which resulted in cancelling/lapsing of Ranked Lists without advising even a single candidate from the Ranked List as detailed below.

Selection by KPSC without receiving vacancy reports from GOK

- **Recruitment of Higher Secondary School Teacher (Arabic)**

KPSC issued notification (2005) for selection of Higher Secondary School Teachers (HSST) Arabic in the Higher Secondary Education

Department. We observed that, the KPSC received 924 applications for the anticipated vacancies of HSST Arabic and a Ranked List with 13 candidates was finalised (April 2007) for the post. However, KPSC had to cancel (October 2011) the Ranked List without advising even a single candidate since the Education Department did not report any vacancy of HSST Arabic to the KPSC. Scrutiny of relevant files indicated that, the KPSC issued the notification, conducted selection process and prepared/published Ranked List of HSST Arabic without ensuring availability of vacancy. Consequently, not even a single candidate from Ranked List could be offered appointment, rendering the entire selection exercise of the KPSC meaningless.

KPSC stated (January 2017) that, as per the accepted procedure of KPSC since 1976, in the case of posts for which there is already a Ranked List and for which vacancies could be anticipated every year, notifications for the posts could be published if the Ranked List has completed a period of one year. The reply was not acceptable as we observed that, not even a single vacancy was reported for the post from 2005 to 2011, which indicated that no vacancies could be anticipated for the post. Thus, the action of KPSC to issue notification and complete the selection process without getting any vacancies reported by GOK was not in order.

Additional Chief Secretary, GAD stated during the Exit Conference (December 2016) that, GOK had been issuing circulars demanding vacancy reports from the appointing authorities and that the procedure currently followed by KPSC was not correct.

- ***Recruitment of Store Assistant, Handicrafts Development Corporation of Kerala Ltd.***

The Recruitment Rules of the Handicrafts Development Corporation of Kerala Ltd. (HDCK) provided for filling up of posts of Store Assistants by direct recruitment and five *per cent* of the vacancies were to be reserved for Last Grade employees (By Transfer appointment) of HDCK possessing qualification of SSLC¹¹ and two years of service.

Two vacancies of Store Assistant were reported (February 2006) by HDCK for direct recruitment. KPSC ordered to fill up these vacancies from the Ranked List of Accountant/Accounts Assistant, etc., in various Companies/Boards/Corporations and to publish notification for 'By Transfer' recruitment. Accordingly, KPSC issued a separate notification (April 2008) for 'By Transfer' recruitment of Store Assistants from eligible Last Grade employees in HDCK.

Subsequent to the notification, KPSC requested the Company (March 2011) to report vacancies for 'By Transfer' recruitment. Though HDCK clarified (August 2011) that, it had never sought filling up of the posts 'By Transfer' and that there were no such vacancies earmarked for appointments then, it was seen that KPSC conducted

¹¹ Secondary School Leaving Certificate

interview and published (October 2011) a Ranked List of five candidates. In the absence of vacancies, KPSC could not issue advice for appointment to any candidate from the Ranked List, which lapsed (April 2016) subsequently.

Thus, failure of the KPSC to comply with directions of GOK to issue notification for appointment only after obtaining vacancy report from the appointing authority and its insistence to continue with the selection process despite clarification offered by HDCK about lack of vacancy resulted in lapsing of selection made after conducting interviews.

Recommendation 4: KPSC may issue notifications for selections only after receipt of vacancy reports from appointing authorities.

2.6.4 Deficiencies in issuing notifications

2.6.4.1 Issue of notifications without conforming to provisions of Kerala State and Subordinate Services Rules

The Kerala State and Subordinate Services Rules (KS&SSR) stipulate that, the educational or other qualifications, if any, required for a post, shall be as specified in the Special Rules applicable to the service in which that post is included or as specified in the Executive Orders of Government in cases where Special Rules have not been issued for the post. Thus, the KPSC, while issuing notifications for selection to posts was required to ensure that the notifications to the posts prescribed only the qualifications specified in the Special Rules/Executive Orders of Government for the post. We noticed that, in the following cases, the KPSC issued notifications without conforming to the above provision due to which ineligible candidates were also considered for selection.

Recruitment of Assistant Surgeon, Health Services

As per Special Rules for the post of Assistant Surgeon (Kerala Health Services (Medical Officers) Special Rules 2010), the qualifications prescribed were (i) Degree in Modern Medicine and (ii) Permanent Registration with Travancore Cochin Medical Council (TCMC)¹². However in the notification (November 2012) for the post, the KPSC permitted candidates possessing Registration with other State/Central Councils also to apply, with the condition that TCMC Registration has to be produced at the time of joining duty. An erratum deleting the above clause was issued (December 2012) after the last date of application without extending the last date of receipt of application. Since the candidates who were disqualified consequent to issue of erratum obtained favourable orders from the Kerala Administrative Tribunal (KAT), GOK ordered (October 2014) to relax the rules in respect of candidates who had registration with other State/Central Medical Councils as on the last date of application, and such persons if selected, advised and appointed, to grant extension of time to produce TCMC Registration upto joining of duty. A total of 45 candidates who were not fulfilling the prescribed criteria for selection were selected accordingly. Thus, the late realisation by

¹² As per section 38 of the Travancore-Cochin Medical Practitioners Act, 1953, no person other than a practitioner registered with TCMC shall practice in the State.

KPSC that the notification issued by it was not in conformity with the Special Rules forced KPSC to issue erratum, which led to the above mentioned candidates obtaining favourable orders from the KAT.

KPSC stated (September 2016) that, the Notification was prepared in conformity with existing Special Rules issued by GOK and that the clause regarding the candidates possessing registration with other State/Central Medical Council was similar to previous notifications issued for the post. We, however, found that the reply was contrary to facts. We also observed that, the reason cited by KPSC of following precedence would not sustain since it was bound to issue notifications as provided in the Special Rules.

Recruitment of Clerk Grade I, Kerala State Co-operative Bank

The Special Rules of Kerala State Co-operative Bank (KSCB) provided for filling up of vacant posts of Clerk Grade I in the ratio of 1:1 between General and Society category¹³. As 50 vacancies were reported (September 2009), the KPSC issued notification (April 2010) for making selection under General category (25 numbers) and under Society category (25 numbers). As per the Special Rules, the employees of the member societies of the respective apex society only were eligible to apply for the post under the Society category. We noticed that, the notification issued by KPSC for recruitment under Society category had erroneously indicated the method of recruitment as from “permanent employees of affiliated Member Societies/Primary Co-operative Societies”, resulting in employees of Primary Co-operative Societies also applying for the post. The Managing Director, KSCB pointed out (May 2010) the error in the notification, based on which the KPSC rectified the error by issuing an erratum notification (August 2010). We observed that, certain employees of the Primary Co-operative Societies who participated in the selection process challenged the erratum order issued by the KPSC and obtained favourable orders from the High Court for considering them in the General category. The KPSC thus included three employees of the Primary Co-operative Societies in the Ranked List for the General Category.

We observed that, negligence on the part of KPSC resulted in issue of defective notification, due to which the employees of Primary Co-operative Societies who were otherwise ineligible to be considered for the post, obtained favourable orders from the Court and found place in the Ranked List in the General category. KPSC admitted (October 2016) its failure to detect the error in notification at various levels.

Recommendation 5: KPSC may ensure that notifications are issued in conformity with the provisions of KS&SSR.

2.6.5 Irregularities in acceptance of Equivalent qualification

As per provisions contained in the KS&SSR, the educational or other qualifications required for a post were to be as specified in the Special Rules for the post, or in the Executive Orders of the Government, in cases where Special Rules were not framed for the post. The qualifications recognised by Executive Orders/Standing Orders of Government as equivalent to a qualification specified for a post could also be considered. The KS&SSR also

¹³ Reservation to employees of the Member Societies of Kerala State Co-operative Bank

stipulated that, where the relevant Special Rules provided for acceptance of equivalent qualifications for a post, (without explicitly specifying such equivalent qualifications), the qualifications as found acceptable by KPSC would also be sufficient for the post. We observed that, in three instances the KPSC decided to accept qualifications as ‘equivalent’, though the Special Rules did not provide for acceptance of equivalent qualifications as shown in **Table 2.2**. It was also noticed that, Standing Orders of Government recognising qualifications as equivalent to the qualifications prescribed were also not issued in these cases.

Table 2.2: Instances of acceptance of equivalent qualification in the absence of Executive Orders and without provision in Special Rules

| Name of Post | Date of notification | Qualification prescribed in notification | Date of including equivalent qualification subsequently by KPSC | Equivalent qualification considered after publication of notification |
|------------------------------|----------------------|--|---|---|
| Meter Reader-cum-Spot Biller | November 2007 | National Trade Certificate (NTC)/ Kerala Government Technical Examination (KGTE)/MGTE in electrical trade etc. | June 2010 | NTC Electronics and Mechanics, NTC Mechanic General Electronics, NTC Electrical and Electronic mode of specification Audio-Video Electronics, NTC Instrument Mechanic, NTC Industrial Electrician, KGCE Electronics and Communication |
| Blacksmith Grade II in KSRTC | December 2009 | ITI Certificate in the trade of Blacksmith/Forger and Heat Treatment/Sheet metal/Fitter/Diesel Mechanic/Mechanic Motor Vehicle and three years’ experience in body building/body repair workshop of vehicles | October 2014 | Certificate in Automobile Engineering ¹⁴ |
| Block Development Officer | February 2007 | Graduation in Arts/Science/Commerce | March 2011 | B.Tech, B.FSc, BCA, BBS |

(Source: Records of KPSC)

KPSC replied that, in the case of the notification regarding Blacksmith, the qualification as stated in the notification was based on the proposal made by the Academic Committee of KPSC. In respect of Meter Reader, KPSC stated that, the equivalent qualifications were accepted subject to Government Orders and decisions taken by Academic Sub-Committee of KPSC. The reply was not acceptable in view of the fact that, the KPSC was not competent to decide on equivalent qualifications in the absence of relevant provision in the Special Rules and there were no Standing Orders of GOK recognising the qualifications as equivalent in both cases.

No reply was furnished by KPSC regarding acceptance of equivalent qualification in respect of Block Development Officer.

Recommendation 6: KPSC may accept equivalent qualifications as clearly specified in the Executive Orders/provisions in Special Rules.

¹⁴ The Director of Technical Education has confirmed (January 2017) that certificate course in Automobile Engineering cannot be considered as Equivalent qualification for the prescribed qualification.

2.6.6 Annual recruitment of Sub Inspectors to the State Police Force

As per instructions of GOK issued from time to time as well as provisions in KPSC Manual, the appointing authorities were to report vacancies to KPSC for commencing selection process for recruitment. Further, the selection proposal was to be finalised by KPSC only after ascertaining the up to date vacancy position from the appointing authorities.

The KPSC, consequent to the concerns raised at a meeting of the Legislature Committee (February 2014) about the delay in recruitment to the posts of Police Constables and Drivers in the Police Department, constituted (April 2014) a Uniformed Forces Recruitment Wing for conduct of annual recruitment to the Police Department and similar Uniformed Forces like Fire Force, Excise, Jails, etc. The KPSC decided (April 2014) to take up annual recruitment to the Uniformed Forces with the target of completing the annual selection process commencing from the month of June in a year and finalising the Ranked List by the next June.

We noticed that, KPSC did not obtain details of anticipated vacancies from the State Police Chief before issuing notifications for the posts of Sub Inspector (Kerala Civil Police) and Sub Inspector (Armed Police Battalion) in 2014 and 2015 respectively. It was further noticed that, 855 out of 866 candidates who figured in the published Ranked Lists (recruitment for 2014) were yet to receive advice for appointment from the KPSC. Meanwhile, the KPSC froze the selection process for the year 2015 owing to the request from the Home Department (February 2016) not to proceed with the selection process as there were already 255 candidates awaiting posting in respect of advices made by KPSC from the earlier Ranked List published in 2013.

KPSC stated in reply (December 2016) that, since selection was to be made annually, vacancy position was not obtained from Appointing Authorities and that considering the urgency in publishing Ranked Lists, the anticipated vacancies could not be estimated for each post and included in the notification. The reply was contradictory to its own instructions which required finalisation of selection process only after ascertaining the up to date vacancy position from the appointing authorities.

2.6.7 Loss of Reservation turns

2.6.7.1 Loss of posts to backward communities due to failure to amend KS&SSR despite advice by KPSC

As per provisions in KS&SSR, if no suitable candidate from a community was available in a Ranked List for filling up a post, the turn was to be passed over to the next reservation community and if no candidate was available in any of the communities, the post could be filled from Open Competition (OC) candidates. The turn of a reservation community which was forfeited in this manner had to be filled at the earliest opportunity from the turn of the benefitted community other than OC. However, GOK while amending (March 2006) the provisions of Rule 15 of KS&SSR relating to reservation rules for the backward communities, did not provide for restoration of the forfeited turn to the reserved community.

We observed that, the amendment effected by GOK has resulted in permanent forfeiture of turns to the reserved communities. In one instance of the post of Full Time Junior Language Teacher (Arabic), we noticed that five Other Backward Castes (OBC) turns and three Viswakarma turns were filled by candidates from the Muslim community. In the absence of relevant provisions to restore the turns to the communities, the OBC and Viswakarma communities lost their turns permanently.

We observed that, despite the KPSC rendering advice (June 2009) to GOK to suitably amend the rule to provide for restoration of the turns forfeited to a reserved community from the benefitted community, the amendment was yet to be issued by GOK. GOK replied (December 2016) that, KPSC had rendered (August 2015) new suggestions/recommendations on the draft notifications and that views of the Backward Classes Development Department on these modifications were yet to be received. GOK assured that, expeditious steps would be taken to amend the Rule.

2.6.7.2 Loss of job opportunities due to failure to consider Not Joining Duty vacancies

Rules 14 to 17 of KS&SSR prescribed the rotation¹⁵, in a cycle of 100 turns to OC and various reservation categories, for making advice for appointment.

If a candidate advised by KPSC against a turn fails to join duty, such vacancy was to be reported to KPSC as Not Joining Duty (NJD) vacancy. The KPSC, based on a direction of the High Court (January 1981), adopted a procedure whereby the NJD vacancies would be filled up by advising the candidates belonging to the same group (community), if available. In line with the orders of High Court, the GOK also issued (1983) instructions to Administrative Departments for timely reporting of NJD vacancies to KPSC.

KPSC conducted selection (2007) to the posts of Assistant Grade II/Lower Division Clerk/Junior Clerk to various Companies/Corporations from a common Ranked List. Subsequently in 2011, KPSC notified selection to the above posts by grouping the Companies/Corporations into two and separate Ranked Lists were published in September 2014 and September 2015.

We noticed that, the appointing authorities of the above Companies/Corporations had reported a total number of 829¹⁶ NJD vacancies upto April 2013. However, KPSC erroneously considered the NJD turns reported by the companies pertaining to the previous selection¹⁷ as fresh vacancies, while making advice from these Ranked Lists. The above procedure adopted by KPSC, though advantageous to certain communities/categories by way of excess number of 54 turns, caused permanent loss of as much turns to certain other communities/categories, including loss of 11 vacancies to Differently Abled candidates as shown in **Appendix 2.5**.

¹⁵ Separate Rotation Charts are prescribed for recruitment to posts in General Recruitment. The charts depict the turn of each reservation category as well as OC. In a rotation cycle of 100 turns, 50 turns are earmarked for OC and 50 turns for reservation

¹⁶ 184 from the first group and 645 from the second group

¹⁷ With reference to notifications issued upto 2007

KPSC while agreeing (December 2016) that the entire NJD turns were treated as fresh vacancies stated that, if NJD vacancies were reported from both existing NJD rotation and fresh rotation with similar turns, it could disrupt the whole rotation process. The reply was not tenable as the High Court order of 1981 which was adopted by the KPSC has been violated and the principles of reservation compromised, leading to loss of turns to some communities. Besides, we observed that, had the KPSC inserted a prefix against the existing NJD turns to differentiate them from fresh rotation turns, the possibility of disruption of rotation process as stated by KPSC could have been avoided.

Recommendation 7: KPSC may initiate action to restore the forfeited turns to communities and Differently Abled candidates.

2.6.8 Reservation benefits to Differently Abled Persons

The Parliament enacted the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (PwD Act) which came into force from 07 February 1996 to ensure equal participation of the Differently Abled in public services. As per Section 33 of the Act, every appropriate Government shall appoint in every establishment such percentage of vacancies not less than three *per cent* for persons or class of persons with disability, of which one *per cent* each was to be reserved for (i) blindness or low vision, (ii) hearing impairment, (iii) Locomotor Disability or Cerebral Palsy. We observed that, the provisions of the PwD Act were not complied with as discussed below.

2.6.8.1 Recruitment of Persons with Disability in Government

GOK introduced (July 1998) reservation of three *per cent* of posts to persons with disabilities for vacancies in Class III and IV, and later in August 2005 for vacancies in Class I and II. Since there was delay on the part of the District Collectors¹⁸ in the recruitment of Differently Abled, GOK entrusted the selection to the KPSC with effect from 01 January 2004. Since the modalities of appointment and the turns of Differently Abled candidates were fixed only on 19 July 2008, the appointment of Differently Abled during 01 January 2004 to 31 December 2007 to the three *per cent* earmarked vacancies could not be made. Government identified 1188 backlog vacancies in accordance with appointments made during this period in the Class II, III and IV posts in 71 Departments for the Differently Abled and ordered (January 2011) to set apart these vacancies to conduct Special Recruitment by KPSC on urgent basis. No vacancies were identified for Class I posts since no candidates had been advised for Class I posts during the period.

Scrutiny of records related to recruitment of the Differently Abled persons revealed that, as of December 2013¹⁹, the process of selection to 965 out of 1188 backlog vacancies in different Classes for the Differently Abled pertaining to the period 2004 to 2007 was in progress. Details of the present status of recruitment sought for from the KPSC/GOK were not produced to us

¹⁸ District Collector was the Chairman of the Selection Committee as per the scheme for reservation of three *per cent* of vacancies

¹⁹ Latest position from KPSC/GOK is awaited (December 2016)

(November 2016). We noticed deficiencies in implementation of the PwD Act in selection to the following posts.

Medical Officer (Ayurveda)

As per Section 36 of PwD Act, any vacancy which could not be filled up in a recruitment year, due to non-availability of a suitable person with disability or any other sufficient reason, shall be carried forward to the succeeding recruitment year and if in the succeeding recruitment year also suitable person with disability was not available, it may be filled up first by interchange among the three categories of disabled, viz., blindness or low vision, hearing impairment, locomotor disability or cerebral palsy. The employer could fill up the vacancy by appointment of a person other than a person with disability, only if no disabled person was available for the post in that year. We observed violation of these guidelines by KPSC, resulting in three posts for the disabled being filled up from the General category.

KPSC notified (April 2012) the post of Medical Officer (Ayurveda) (Special Recruitment for Physically Handicapped (PH) Backlog vacancies - Orthopaedic-Lower Extremities²⁰) in the Department of Indian Systems of Medicine. Of the 16 candidates who applied for seven vacancies, five candidates were included in the Ranked List. We noticed that, of the 11 candidates rejected, there were three applicants with disability of Orthopaedic-Upper Extremities. Four²¹ Differently Abled vacancies were filled and three left unfilled. Meanwhile, KPSC issued (November 2014) another Ranked List for General recruitment²² for the post of Medical Officer (Ayurveda) for which applicants with disability of Orthopaedic-Lower Extremities were eligible to apply. As there were no eligible applicants with disability of Orthopaedic-Lower Extremities, KPSC decided (December 2014) to allot the three unfilled Differently Abled vacancies to General category candidates.

No reply was furnished by KPSC regarding allotment of vacancies reserved for Differently Abled candidates to General category.

Assistant Engineer in the Local Self Government Department (Special Recruitment for Differently Abled)

As per GOK orders (October 2012) the post of Assistant Engineer was suitable for all the Differently Abled categories of Locomotor disability/Cerebral Palsy, Hearing impairment and Low vision.

The KPSC notified (May 2013) 20 backlog vacancies in the post of Assistant Engineer (Civil) pertaining to the period 2004 to 2007 in the Local Self Government Department (LSGD) reserved for Differently Abled candidates. However, KPSC issued notification reserving these posts exclusively for the category “Orthopaedic-Lower Extremities”, which was not in order. The Chief Engineer, LSGD had also informed (November 2013) the fact of suitability of all categories of Differently Abled for the above post, which was not adhered to by KPSC.

²⁰ “Lower Extremities” means the lower limb, including the hip, thigh, leg, ankle, and foot

²¹ One selected candidate was subsequently relieved

²² Notified in August 2011

It was seen that out of the 48 Differently Abled candidates who applied, 18 presented records to KPSC for verification, of which only nine candidates, including a “Hearing Impaired” candidate were found to possess the educational qualifications specified in the notification. Contrary to directions of GOK regarding the suitability of the post to all Differently Abled categories, the candidature of five candidates, including that of the “Hearing Impaired” candidate was rejected and only four candidates were called for interview (October 2014). Based on the interview, only three candidates belonging to the category of “Orthopaedic-Lower Extremities” were selected, leaving 17 out of 20 backlog vacancies for Differently Abled candidates remaining unfilled.

The action of the KPSC in excluding candidates with Hearing Impairment, Low Vision and Locomotor disability/Cerebral Palsy and limiting selection to candidates with disability of “Orthopaedic-Lower Extremities” had resulted in deprival of chances to prospective candidates of Differently Abled category.

In the Exit Conference (December 2016), the Secretary, KPSC stated that, reply will be furnished after verification of records. However, no reply was furnished by KPSC (January 2017).

Recommendation 8: KPSC may adhere to the eligibility criteria prescribed by the PwD Act while issuing notifications to posts.

Special facilities to blind candidates

Differently Abled candidates were entitled for special facilities in examinations conducted by KPSC. As per the decisions of the KPSC (June 2011), while the visually challenged candidates with certified disability of 75 per cent or more and candidates suffering from cerebral palsy were eligible to seek the assistance of scribes, the Orthopaedically handicapped candidates were entitled for extra time of 15 minutes per hour for descriptive type examinations. However, GOI issued guidelines (February 2013) for conducting written examinations for PwD, which stipulated that, the facility of Scribe/Reader/Lab Assistant was to be allowed to any person who has disability of 40 per cent or more if so desired by the person. GOK also decided (March 2014) to provide scribes for candidates having visual disability of 40 per cent or more. The High Court of Kerala had also opined (May 2014) that, the KPSC should positively consider the recommendation of GOK to provide scribes to persons with visual disability of 40 per cent since this was also in consonance with GOI norms. However, the KPSC intimated (November 2014) its decision to continue with the practice of permitting scribes only to the candidates having 75 per cent visual disability.

We noticed that, there were visually impaired candidates with 40 per cent disability who used Braille²³ for learning at school which underscored the need for providing assistance of a scribe for KPSC examinations. It was also observed that, there were 5832 visually impaired candidates registered with the KPSC seeking employment opportunities, some of whom could have been denied the assistance of scribes on grounds of certified disability not being 75 per cent.

²³ A system of writing and printing for the blind in which arrangements of raised dots representing letters and numbers can be identified by touch.

The Secretary, KPSC stated during the Exit Conference (December 2016) that, it was an age old dictum and a matter of policy. We, however feel that KPSC should review its decision keeping in view the observations of High Court and GOI Guidelines.

Recommendation 9: KPSC may take steps to provide scribes to candidates with visual disability of 40 per cent or more.

2.6.9 Special Recruitment for SC/ST candidates

As per Rule 14 (a) of the KS&SSR, eight *per cent* of posts are reserved for Scheduled Castes (SC) while two *per cent* is reserved for Scheduled Tribes (ST). Rule 17 A of the KS&SSR also enables the Government to reserve specified number of posts in any service, class, category or grade to be filled by direct recruitment exclusively from among the members of SC and ST. GOK also ordered (January 1994) that, in case of fresh selections, Special Recruitment exclusively for the STs shall be made in Departments to ensure the prescribed two *per cent* representation to them in public service without exceeding the total limit.

We analysed the details of Special Recruitment for SC/ST as on 31 March 2016 and observed that selection was pending against at least 739 vacancies in respect of 136 posts. We conducted a detailed scrutiny of files relating to selections pending under Special Recruitment as on 31 March 2016 and found that the selections were pending upto 21 years due to various reasons like non-receipt of clarification regarding qualification, absence of candidates with the required qualification, delay in re-notification/re-categorisation, etc., as detailed in **Table 2.3**.

Table 2.3: Pendency in Special Recruitment for SC/ST

| Name of post and Department/ Institution | No. of vacancy and category | Date of reporting of vacancy | Date of occurrence of vacancy | Observations/Reasons for delay |
|---|-----------------------------|------------------------------|---|---|
| Part Time Junior Language Teacher (PTJLT) Arabic – Education Department – Thrissur district | One - SC/ST | 03.07.1995 | 01.1986 | KPSC notified the vacancy on 28.10.1997 and renotified on four occasions upto 02.07.2002. KPSC addressed (24.03.2006 to 03.06.2015) Government for re-categorisation, but no action was taken by Government so far. The vacancy remained unfilled for 30 years. KPSC stated that Government re-categorised (June 2016) the post as PTJLT Hindi and vacancy was reported in January 2017. |
| Full Time Junior Language Teacher (FTJLT) Arabic – Education Department – Kollam district | Two SC/ST | 27.09.1995 | 01.1989 | The vacancy was notified on 22.07.1997 and renotified on two occasions upto 08.06.1999. As no qualified candidates applied, the KPSC addressed (24.03.2006 to 03.06.2015) Government for re-categorisation, but no action was taken by Government. The vacancy remained unfilled for 27 years. KPSC stated that Government re-categorised (June 2016) the post as FTJLT Hindi and vacancy was reported in January 2017. |
| Gardener – Department of Archaeology | One – ST | 08.12.1998 | 05.08.1995 (date of earmarking vacancy) | The KPSC considered (22.10.2011) the selection to the post based on a remark (11.11.2010) by the Government for not effecting the selection even after 15 years of earmarking the vacancy. KPSC addressed (22.10. 2011) Government to issue Executive Orders as no Special Rules were available. But Government re-categorised (16.04.2015) the post as Night Watcher/Peon and the Department again reported the vacancy on 02.05.2015. The KPSC is yet to take action for selection. The vacancy remained unfilled for 20 years. KPSC stated that decision was taken to fill up the vacancy from the Ranked List for Last Grade Servants. |

| Name of post and Department/Institution | No. of vacancy and category | Date of reporting of vacancy | Date of occurrence of vacancy | Observations/Reasons for delay |
|--|---|---|---|--|
| Printer Grade II (on modernisation of Presses new post of Offset Machine Operator Grade II) – Department of Printing | Four – ST | 17.11.2003 (reported for the vacancy of Printer). The new post reported in October 2009 | 11.08.2009 (earmarked as per GO) | The vacancy of Printer Grade II was reported on 17.11.2003, but KPSC took no action for selection. The Director of Printing later requested (18.06.2008) to stop selection to the post consequent on Modernisation of Presses. New post of Offset Machine Operator Grade II created was notified on 30.12.2010 and re-notified on 15.11.2012 and 29.12.2015. Though four posts were notified in Kottayam, Kollam, Pathanamthitta and Thiruvananthapuram, no qualified candidates applied except in Thiruvananthapuram. The selection proposal for Thiruvananthapuram was approved and the remaining posts were to be re-notified (August 2016). Thus, the vacancy remained unfilled for seven years. KPSC stated that interview date was to be fixed for selection in Thiruvananthapuram. |
| Overseer Grade III -Irrigation Department | Three - SC/ST reported as ST later (29.08.2014) | 14.08.2012 | Backlog (Vacancy reported by Chief Engineer referring Government letter dated 02.03.2012) | KPSC notified (15.02.2013) the vacancies for SC/ST and OMR test was conducted on 15.07.2014, but later the Chief Engineer reported that (29.08.2014) the vacancies were actually earmarked for ST (vide GO dated 15.07.2014). As the Probability list had already been prepared the KPSC decided to prepare separate list for SC and ST categories and to advise candidates from the list of STs. The defect occurred due to non-ensuring of issue of Government Order earmarking the vacancy. KPSC stated that the Ranked list was published in November 2016. |
| Peon - Sainik Welfare Department | One - ST Ex-servicemen | 09.07.2012 | 01.01.2010 | The vacancy was notified on 15.10.2013 for both NCC and Sainik Welfare Departments with a clause to consider non-Ex-servicemen ST candidates in the absence of qualified Ex-servicemen ST candidates. OMR test was conducted on 13.08.2014. Later, KPSC found some mistakes in the selection that notification was made for NCC and Sainik Welfare Departments instead of Sainik Welfare Department alone and by incorporating the clause for considering non-Ex-servicemen in the absence of Ex-servicemen which was applicable only in NCC. The KPSC decided (01.03.2016) to re-notify the vacancy as there was no eligible (Ex-servicemen ST) candidate. Thus, carelessness of KPSC delayed the selection process. KPSC stated that the post was again notified in December 2016. |
| LDC - Sainik Welfare Department (Ex-servicemen only) | One - ST (Kollam) | 21.01.2010 | 01.06.2009 | Two vacancies ²⁴ for LDC in Sainik Welfare Department were notified (Category 416/2010 dated 30.12.2010) along with one post in NCC Department (Kozhikode district) for selection from Ex-servicemen ST candidates and in the absence of Ex-servicemen, from Non-Ex-servicemen candidates. Since there were no Ex-servicemen candidates KPSC published Ranked List with non-Ex-servicemen candidates for Sainik Welfare Department and advised three candidates. The advice issued to Sainik Welfare Department was returned stating that posts in Sainik Welfare Department are exclusively reserved for Ex-servicemen. The matter was taken up with Government and Government clarified that non-Ex-servicemen will be considered only in NCC Department as ordered in GO dated 02.08.1986. The KPSC ordered to cancel the advices made and to retain these candidates in the Ranked List to be considered when vacancies reported by NCC Department. Thus, the error in notification resulted in advising ineligible candidates and subsequent cancellation of advice and resultant non-filling up of vacancies for the last seven years. KPSC stated that in Kollam district, interview for the selection was over and Ranked List is to be published. |
| | One - ST (Thiruvananthapuram) | 19.07.2010 | 01.06.2009 | |
| | One - ST (Kollam) | 03.12.2012 | 17.11.2012 | |
| Non-Vocational Teacher in Physics - Department of Vocational Higher Secondary Education | One - ST | 13.08. 2009 | 06.11.2008 | The vacancy was notified on 30.10.2010 (Category 319/10). Three eligible candidates did not turn up for the interview held on 27.10.2011. KPSC re-notified (30.11.2012) the vacancy, but the single applicant had no required qualification. KPSC decided (March 2013) to re-notify the vacancy after two months, i.e. after end of that academic year. However, further action in the selection was not taken. The vacancy remained unfilled for seven years. KPSC stated (October 2016) that the vacancy would be re-notified as and when orders relaxing qualifications were received from Government. |

²⁴ One vacancy was reported after date of notification on 03 December 2012

| Name of post and Department/Institution | No. of vacancy and category | Date of reporting of vacancy | Date of occurrence of vacancy | Observations/Reasons for delay |
|---|-----------------------------|---|-------------------------------|---|
| Assistant Grade II - Kerala State Forest Development Corporation (KSFDC) | One - ST | 31.01.2007 (defect free on 27.03.2007) | 12.01.2007 | The vacancy was notified only on 28.12.2011 along with the vacancy reported on 16.06.2011 pending clarification regarding the occurrence of vacancies. The probability list was published on 15.05.2014. The KPSC made correspondence with Director of Technical Education regarding equivalency of qualification for 16 months (24.11.2014 to 07.04.2016) though the information had already been obtained on 06.05.2011 in the earlier selection. The Ranked List was not published and advice not issued even after a lapse of nine years/five years from the date of reporting of the vacancies as against one year and one month required. KPSC stated that the Ranked list was brought into force in July 2016 and two candidates advised in October 2016. |
| | One - SC/ST | 26.11.2010 (revised proforma on 16.06.2011) | 03.11.2010 | |
| Driver Grade II - Kerala State Drugs and Pharmaceuticals Ltd. (KSDP) | One - SC/ST | 04.06.2012 (error free proforma on 26.03.2013) | 02.08.2006 | The notification was issued only on 31.08.2013 after getting an error free requisition on 26.03.2013. OMR test was conducted on 02.09.2014 for 404 applicants. The short list is yet to be prepared and practical test also to be conducted. There was delay in every stage of the process and the vacancy occurred on 02.08.2006 remained unfilled even after nine years. KPSC replied (June 2016) that the delay was owing to completion of the regular procedure for the selection. Short list was published in September 2016. |
| Quality Control Inspector - Kerala State Handloom Development Corporation (KSHDC) | One - ST | 04.05.2009 | 05.09.2008 | Notification was issued on 30.12.2009 and re-notified on 14.10.2011 and again on 31.07.2013 as requested by the Appointing Authority. As no candidate with the required qualification of Diploma in Handloom Technology/Textile Technology was available, the post was re-notified again on 11.04.2014. Three of the five applicants did not possess the required qualification. The remaining two candidates produced certificates of other courses (B.Sc. Costume Design, etc.). The KPSC addressed (May 2015) Government to confirm the equivalency of the qualifications. But the matter is still pending with the Government even though the KPSC submitted (March 2016) the syllabus of the courses, etc., as sought for by Government. Thus, the vacancy remained unfilled even after seven years. KPSC stated that clarification regarding equivalency was to be received from Government. |

(Source: Records of KPSC)

On being asked, KPSC replied (December 2016) that, manpower in the KPSC should be increased to meet the workload. We observed that, KPSC cited shortage of manpower without conduct of a scientific work study, on which an audit comment has been incorporated under paragraph 2.8.2 of this Report.

Recommendation 10: KPSC may take appropriate action to ensure filling up of posts reserved for SC/ST candidates.

2.6.10 Selection process pending finalisation

The examination process conducted by KPSC for selection to various services of the State *inter alia* involves various stages such as notification, application scrutiny, written test, certificate verification, short listing, interview and finalisation of Ranked List. The statement of pendency in selection as on 31 March 2016 showed that the selection was pending in respect of 94,98,574 applications for 2919 posts relating to the years from 2009 to 2016 due to delay in clarifying issues related to equivalent qualifications, delay in re-categorisation of post, non-existence of Special Rules, erroneous vacancy reporting, non-availability of qualified candidates, court cases, etc.

Analysis of the data on pendency pertaining to the years 2010 to 2015 showed that only 17 to 28 *per cent* of selections were completed in a year as shown in **Table 2.4.**

Table 2.4: Analysis of the data on the selections relating to the years from 2010 to 2015

| Year of notification | Selection Pending | | No. of posts for which selection pending as on 31.03.2016 | Cases cleared | | Percentage of selections completed in each year |
|----------------------|-------------------|--------------|---|---------------|---------------------|---|
| | As on | No. of Posts | | No. of Posts | Time taken in Years | |
| 2010 | 31.03.2011 | 807 | 37 | 770 | 5 | 19 |
| 2011 | 31.03.2012 | 773 | 80 | 693 | 4 | 22 |
| 2012 | 31.03.2013 | 1295 | 498 | 797 | 3 | 21 |
| 2013 | 31.03.2014 | 902 | 597 | 305 | 2 | 17 |
| 2014 | 31.03.2015 | 1224 | 885 | 339 | 1 | 28 |
| 2015 | 31.03.2016 | 755 | 755 | Nil | - | - |

(Source: Records of KPSC)

We reviewed 504 cases where the Ranked Lists were finalised and published during 2011 to 2015. Against the target set by the KPSC, of publishing Ranked Lists within one year from the date of notification, it was noticed that the time taken for finalisation of Ranked Lists ranged from three to four years in 156 cases (31 per cent), four to five years in 94 cases (19 per cent) and five to six years in 33 cases (seven per cent). Further, in seven cases, KPSC took more than six years and in two cases more than seven years to finalise the selection process. The details of time taken and reasons for delay in completing the selection process in respect of the recruitment files verified by us are given in **Appendix 2.6**.

KPSC admitted (November 2016) that there was delay in the selection process, which was attributed to delay at various stages of selection like application scrutiny, OMR test, publishing of short list, verification of certificates, conduct of interviews, receipt of clarifications regarding acceptance of equivalent qualifications as well as legal and other issues which could not be addressed through the computerised system.

Recommendation 11: KPSC may ensure completion of selection process within the targeted period of one year.

2.6.11 Application of Information Technology by KPSC

2.6.11.1 Deficiencies in One Time Registration System

One Time Registration (OTR) facility was introduced by KPSC from 01 January 2012, by which the candidates have to create a profile by submitting their personal data and details of educational qualifications. The candidates can view all active notifications in their profile and can apply for posts by logging to their profile by clicking the “Apply Now” button shown against the post. The details entered in the profile will be subjected to verification only after short listing a candidate for a post (in cases where the number of applications for a post is 500 or less the details are verified at the time of application itself). As on 30 September 2016, the total number of registrations was 34.11 lakh. It was seen that, 1.65 lakh candidates in whose case, verification had been done, were issued Permanent Candidate Number (PCN), whereby such candidates need not report for verification in subsequent selections. However, we noticed certain deficiencies in the system, which were later confirmed by KPSC, whereby candidates could register any false

information especially regarding qualifications and apply for any post even if they did not possess the required qualification. We came across an instance of a single candidate applying for as many as 270 posts ranging from Electrician, Plumber, etc., to General Manager and Biomedical Engineer. The candidate had shown qualifications in ITI/ITC in Electronics/General Mechanics/Mechanic Auto Electrical and Electronics/Diploma/Polytechnic in Electronics Engineering/Medical Engineering/Instrument Technology and Biomedical Engineering to his credit, all of which were stated as acquired in 2011-2012, which lacked authenticity.

We observed that, KPSC was allowing such bogus applicants/non-serious job seekers for screening test. This has resulted in the number of candidates actually appearing in the examination being much less than the total applicants, with the absence in certain tests ranging up to 66 *per cent* as shown in **Appendix 2.7**.

KPSC admitted (October 2016) that, the OTR system had flaws which allowed candidates to register false information and stated that corrective measures were being taken including linking of OTR profile with AADHAR, etc.

2.6.11.2 Performance of online examination centres

KPSC established four²⁵ online examination centres in the State, with a view to accommodate maximum number of job seekers within a limited time and convert written examination into computer aided examination as part of innovative technology. KPSC's Protocol for conduct of online examinations stipulated that, the final answer key of online examinations had to be published within a maximum of 15 days from the date of conduct of examinations. We observed that, there was delay of more than a year in generating the final Ranked List thereby defeating the objective of setting up the online centres.

As of September 2016, 105 examinations were conducted for 379 posts, of which final Ranked Lists in respect of 114 posts had been published and that of 263 posts were to be published²⁶.

While explaining the reasons for the delay in publication of the final Ranked Lists, KPSC stated (October 2016) that Short Lists/Probability Lists for various posts could be published by the Online Examination Wing only after the publishing of final answer key by the Controller of Examinations, the completion of scrutiny of applications and approval of selection orders.

The reply of the KPSC was silent as to why the Controller of Examinations in the KPSC failed to publish the final answer key within a maximum of 15 days from the date of conduct of examinations. Further, the delay could have been reduced by conducting scrutiny of applications before the examinations.

2.6.11.3 Delay in computerisation of rotation process

The third phase of computerisation in KPSC was implemented from 2007 onwards, which included One Time Registration of candidates, submission of

²⁵ Thiruvananthapuram (August 2014), Pathanamthitta (September 2014), Ernakulam (December 2014) Kozhikode (August 2016)

²⁶ Two posts were cancelled

applications, preparation of Ranked List, preparation of advice for appointment, etc. However, computerisation of the rotation process remains to be completed (December 2016). We observed that the work of developing the Rotation software was initially entrusted (October 2012) to C-DIT²⁷. The work order was frozen and work later entrusted (October 2013) to a faculty of the College of Engineering, Thiruvananthapuram (CET). Reason for cancellation of the initial work order was not furnished to us. The KPSC stated that, 90 per cent of the Rotation software had been developed with the source code entrusted to KPSC and that the students who passed out from the CET were unwilling to pursue the software development process. Further KPSC informed (December 2016) that, the Technical wing of KPSC which was entrusted with the completion of software had put the work on hold, due to lack of sufficient team members as they were tasked with other important projects.

We observed that, the process of rotation was one of the most critical components and culmination point of the entire recruitment process which also had a bearing on the reservation and was to be executed every time with precision and without errors. Thus, failure of KPSC to complete the work through C-DIT resulted in abandonment of computerisation work by the faculty and resultant inability of KPSC to complete the computerisation of rotation process.

2.7 Advisory Role of the KPSC

Provisions of Article 320(3) of the Constitution required the State Public Service Commission to be consulted on all matters related to methods of recruitment to civil services and civil posts, all disciplinary matters affecting a Government servant, etc. The KPSC tendered advice to GOK on framing of Rules, amendment to Rules and recognition of qualifications.

2.7.1 Advice for framing of Special Rules for Forest Range Officer

Government of India (GOI) had published (July 2004) the Entrance and Training Rules (Revised 2004) (Rules) for Forest Range Officers, the applicability of which extended over the whole of India. As per the Rules, the selection of candidates to the posts of Forest Range Officers shall rest with the concerned Sponsoring Authority and the selection procedure adopted by the Sponsoring Authority must conform to the minimum standards laid down under the Rules.

GOK, based on the advice of KPSC, framed (October 2010) Special Rules for the Kerala Forest Service, adopting criteria different from that of the GOI rules with respect to the standards such as height/chest girth/physical test/qualification/relaxation in height to ST candidates fixed for the post of Forest Range Officer.

We observed that while rendering advice on the draft Special Rules for the Forest State Service, the modifications advised (June 2010) by KPSC to the Rules related to this post were not in conformity with the GOI Rules which resulted in finalisation of defective Special Rules.

²⁷ Centre for Development of Imaging Technology

The Special Rules amended in September 2014 were also not in consonance with the GOI Rules in relation to chest measurement of male candidates, non-fixing of standards for chest measurement of female candidates, difference in the qualification and relaxation in height to ST candidates.

KPSC followed the selection process and selected 13 candidates from Ranked List. However, as brought out above, the criteria for selection was not in conformity with GOI Rules. Though the matter was pointed out to KPSC, reply was yet to be received (February 2017).

2.7.2 Advice rendered in selection to the post of Sales Assistant in Handicrafts Development Corporation of Kerala Ltd.

One vacancy for the post of Sales Assistant in Handicrafts Development Corporation of Kerala Ltd. (HDCK) was reported to KPSC on 03 June 2005. The qualifications prescribed for the post were Graduation and ability to speak and write English, Hindi and Malayalam. The consolidated salary for the post was ₹2000 per month for the first year and scale of pay from the next year. KPSC considered to make selection to the post from the Ranked List for the post of Assistant in various Companies/Corporations and advised the Company (May 2007) to inform its willingness to amend the Special Rules by prescribing pay scale instead of consolidated salary. Based on the advice of the KPSC, the Board of Directors resolved (October 2007) to amend the Special Rules by prescribing pay scale and issued orders (December 2009) amending the Special Rules. KPSC, however, later decided (January 2010) that selection to the post could not be made from the Ranked List of Assistants to Companies/Corporations, as the qualifications prescribed for the post of Assistants was any Graduate from a recognised university, which was not sufficient for the post of Sales Assistant. KPSC therefore, decided to issue separate notification for the post and notification was issued on 31 December 2011 for nine vacancies after six years from the date of reporting of the vacancy. However, the posts were yet to be filled up (February 2017).

KPSC stated (December 2016) in reply that, the selection process was delayed on account of the delay on the part of HDCK in furnishing clarification sought for by KPSC with respect to amending Special Rules in favour of pay scale instead of consolidated salary. The reply was not tenable as KPSC was responsible for tendering wrong advice to the company, without verifying the qualifications and method of appointment of posts. Had KPSC given correct advice in the matter, the need to seek amendment of Special Rules by HDCK and resultant delay could have been avoided.

2.7.3 Non-submission of Annual Reports of KPSC to the State Legislature

As per Article 323(2) of the Constitution of India, the KPSC was to present an Annual Report on the work done by KPSC to the Governor of the State. The Governor, along with a memorandum explaining the reasons for non-acceptance of/deviations from KPSC's advice, was to facilitate tabling of the Report in the State Legislature. We observed that, though the KPSC presented its Annual Reports pertaining to the years 2010-11 to 2015-16 to the Governor, none of the Reports were presented to the Legislature till date. The delay in this regard was due to failure of various Government Departments to

furnish reasons for non-acceptance of/deviation from the advice rendered by KPSC. It was further noticed that, out of 14 cases of deviation, explanation in respect of five cases were yet to be furnished by the concerned Department.

We observed that, the laxity of GOK in obtaining timely explanations from various Departments resulted in non-submission of KPSC's Reports to the State Legislature on time. GOK replied (December 2016) that, the Reports would be submitted to Legislature at the earliest.

2.8 Financial and Human Resources Management in KPSC

2.8.1 Financial Management

As per Article 322 of the Constitution, the expenses of the KPSC including any salaries, allowances and pensions payable to or in respect of the members or staff of KPSC, shall be charged on the Consolidated Fund of the State. During the years 2011-12 to 2015-16, KPSC incurred a total expenditure of ₹547.50 crore as shown below:

Table 2.5: Details of Plan and Non-plan expenditure
(₹ in crore)

| Financial Year | Plan | Non-Plan | Total |
|----------------|--------------|---------------|---------------|
| 2011-12 | 1.00 | 76.65 | 77.65 |
| 2012-13 | 1.24 | 96.60 | 97.84 |
| 2013-14 | 1.99 | 104.58 | 106.57 |
| 2014-15 | 7.50 | 125.46 | 132.96 |
| 2015-16 | 2.49 | 129.99 | 132.48 |
| TOTAL | 14.22 | 533.28 | 547.50 |

(Source: Details furnished by KPSC)

Scrutiny of records relating to budget proposals and expenditure statements revealed the following deficiencies in budget control and expenditure.

2.8.1.1 Utilisation of funds for the purposes not earmarked

The allocation under 'Office Expenses 04-Other Items' is earmarked for purchase of furniture, printing charges of question papers, forms and KPSC Bulletins, purchase of stationery articles, OMR answer sheets, etc. We noticed a diversion of ₹9.24 crore from this head during the period 2013-14 to 2015-16 on Capital expenditure like setting up of online exam centre and Civil Works, which was not permissible.

No reply was furnished by KPSC.

2.8.2 Human Resources Management in KPSC

The total staff strength (March 2016) of the KPSC was 1644 (1623 permanent and 21 temporary posts). As per the Report of the Work Assessment Committee constituted (March 2013) for conducting a work assessment at the Headquarters, the work distribution among Assistants was unscientific resulting in 20 per cent of the Assistants without adequate work load and 10 per cent even without nominal work. Also, in many of the sections in the KPSC, the ratio of Assistant to Section Officer was 1:2. The KPSC, while accepting (November 2013) the Work Assessment Committee Report directed that similar work study would be undertaken at the Regional and District

Offices. We noticed that, the work study at the Regional and District Offices was yet to be done (October 2016).

We noticed that, KPSC submitted (September 2015) a proposal to GOK for sanction of 307 additional posts citing extra works to be done on introduction of appointment verification, issue of one time verification certificate, etc. The proposal was awaiting approval from GOK (October 2016). We also observed that, besides failing to conduct detailed work assessment of Regional and District Offices, the KPSC did not conduct a fresh work assessment before seeking additional posts from GOK.

2.9 Conclusion

Special Rules in respect of 12 services were not framed by GOK, thereby failing in regulating the recruitment and conditions of service of persons appointed to posts which resulted in appointments being made through Executive Orders of Government or being made by Companies/Societies direct by themselves. There was delay in reporting of fresh/NJD vacancies by various Departments to the KPSC. Instances of KPSC conducting recruitment process and preparing Ranked Lists without obtaining vacancy reports from Departments resulting in its failure to advise even a single candidate for appointment from the Ranked List were observed. The KPSC was yet to issue notifications in respect of at least 452 vacancies to be filled up against 128 posts. Delay ranging from 11 to 77 months was also seen in publishing of notifications by the KPSC and consequential delay in the selection process. Ineligible candidates got employment due to failure of KPSC to ensure that the qualifications stated in the notifications were in line with the Special Rules/Executive Orders of Government for the post. Failure of KPSC to comply with the provisions of the PwD Act, 1995 resulted in denial of Government jobs to Differently Abled candidates who were eligible for selection. Analysis of data on pendency in selection pertaining to the years 2010 to 2015 revealed that only 17 to 28 *per cent* of selections were completed in a year, though all selections were to be finalised within one year as per KPSC's own manual.