

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN

WEDNESDAY, THE 29TH DAY OF FEBRUARY 2012/10TH PHALGUNA 1933

WP(C) .No. 5027 of 2012 (C)

PETITIONERS:

1. AMBILI K.M.
KANIYAMPARAMBIL, AMBALAKAD P.O., PONKUNNAM P.O.
KOTTAYAM.
2. KUNJUMOL ROY
VADAKKENATH, KANJIRAPALLY P.O., KOTTAYAM.
3. VALSAMMA VIJAYAKUMAR
ARIPURAKKAL, VIZHIKATHODU P.O., KANJIRAPALLY.
4. USHA RAJENDRAN
THEKKEMURIYIL, VIZHIKATHDU P.O., KANJIRAPALLY.
5. MAYA BIJU
VAYALIL, VIZHIKATHOD P.O., KANJIRAPALLY.
6. BABY THOMAS
MOOLAPARAMBIL, ANAKALLU P.O., KANJIRAPALLY.
7. LEELAMMA SKARIA
MATTATHUVAYALIL, KAPPAD P.O., KANJIRAPALLY.

BY ADV. SRI.JOHNSON MANAYANI

RESPONDENTS:

1. KANJIRAPALLY SERVICE CO-OPERATIVE BANK
LTD.NO.2061, KANJIRAPALLY P.O., PIN-686 507
REPRESENTED BY ITS SECRETARY.
2. THE COMMITTEE OF KANJIRAPALLY SERVICE CO-OPERATIVE BANK LTD.
NO.2061, KANJIRAPALLY P.O., PIN-686 507
REPRESENTED BY ITS PRESIDENT.
3. STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO CO-OPERATION
SECRETARIAT
TRIVANDRUM-695 001

MJL

WPC.NO:5027/2012

4. REGISTRAR OF CO-OPERATIVE SOCIETIES GENERAL
NEAR SECRETARIAT, TRIVANDRUM-695 001
5. JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES,
COLLECTORATE, KOTTAYAM-686 001
6. DISTRICT LABOUR OFFICER
COLLECTORATE, KOTTAYAM-686 001
7. ASSISTANT LABOUR OFFICER
KANJIRAPALLY, KOTTAYAM-686 507

BY SPL. GOVERNMENT PLEADER SRI.D.SOMASUNDARAM

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
29-02-2012, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

MJL

WPC.NO:5027/2012

APPENDIX

PETITIONERS EXHIBITS

EXHIBIT P1- : TRUE COPY OF THE COMPLAINT FILED BY THE
ASSISTANT LABOUR OFFICER, KANJIRAPALLY.

EXHIBIT P2- : TRUE COPY OF THE JUDGMENT OF THE JUDICIAL FIRST
CLASS MAGISTRATE COURT, KANJIRAPALLY.

EXHIBIT P3- : TRUE COPY OF THE PETITION DATED 10/2/2012 FILED
BEFORE THE RESPONDENTS 3 TO 7.

RESPONDENTS' EXHIBITS: NIL

/TRUE COPY/

P A TO JUDGE

MJL

P.N.RAVINDRAN, J.

W.P.(C) No. 5027 OF 2012

Dated this the 29th day of February, 2012

J U D G M E N T

The petitioners who claim to be employed as Sales Girls in the Kanjirapally Service Co-operative Bank Ltd. have filed this writ petition for an order directing respondents 3 to 5 namely, the State of Kerala, the Registrar of Co-operative Societies and the Joint Registrar of Co-operative Societies (General), Kottayam to direct respondents 1 and 2 namely, the Kanjirapally Service Co-operative Bank Ltd., and its Managing Committee not to terminate their services. The petitioners have also prayed for an order directing respondents 3 to 7 to enquire into Ext.P3 petition filed by them in view of the long provisional service rendered by them in the Kanjirapally Service Co-operative Bank Ltd.

2. Appointments to the Kerala Co-operative Societies can be made only in terms of circular No.18 of 1991 dated 7.6.1991. As per the said circular, for filling up vacancies in regular posts, applications have to be invited through advertisement in leading dailies having wide circulation in the area and selection has to be made after conducting a written test and interview. It is also stipulated that written test shall be conducted by an outside agency and that the

conditions regarding age limit, qualifications mode of appointment etc., as laid down in the rules framed under section 80 of the Kerala Co-operative Societies Act should be strictly followed. The petitioners have not produced any material to show that the provisions of the Kerala Co-operative Societies Act or the Rules framed there under or the circulars issued by the Registrar of Co-operative Societies or any Government order contemplate or permit regularisation of persons like them in service ignoring the stipulations in the circular referred to above. In such circumstances, I am of the opinion that the relief prayed for by the petitioner cannot be granted. In the absence of any right in the petitioners and corresponding duty in the respondents, I find no reason to direct the Government to enquire into Ext.P3 and to pass orders thereon.

I accordingly hold that there is no merit in the writ petition. The writ petition fails and is dismissed.

**P.N.RAVINDRAN,
(JUDGE)**

vps

