

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 29TH DAY OF APRIL 2014/9TH VAISAKHA, 1936

WP(C).No. 11658 of 2014 (F)

PETITIONERS:

1. UNNI.S.,
ROADVILA HOUSE, MANNOR P.O, CHENNAPETTA,
KOLLAM.
2. T.A. ANEESH,VAZHAVILA PUTHENVEEDU,
VELINTHARA CHARIPPARAMBU P.O (VIA), KADAKKAL,
KOLLAM.

BY ADV. SRI.P.N.MOHANAN

RESPONDENT(S):

1. THE MANAGING COMMITTEE OF THE THUDAYANNOOR
SERVICE CO-OPERATIVE BANK LTD.NO.Q 371,
REPRESENTED BY ITS PRESIDENT, THUDAYANNOOR P.O.,
KADAKKAL-691 536, KOLLAM.
2. THUDAYANNOOR SERVICE CO-OPERATIVE BANK,
LTD.NO.Q.371, REPRESENTED BY ITS SECRETARY,
THUDAYANNOOR P.O., KADAKKAL-691 536, KOLLAM.
3. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL),
CIVIL STATION, KOLLAM - 691 506.

R3 BY SR GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 29-04-2014, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 - A TRUE COPY OF THE COMMUNITY CERTIFICATE ISSUED BY THE
TAHSILDAR AND PHYSICAL DISABILITY CERTIFICATE ISSUED BY THE
MEDICAL BOARD OF THE FIRST PETITIONER.
- EXT.P2 - A TRUE COPY OF THE ADMISSION REGISTER OF THE SECOND
PETITIONER.
- EXT.P3 - A TRUE COPY OF THE ORDER DATED 7-8-2013 OF THE THIRD
RESPONDENT.
- EXT.P4 - A TRUE COPY OF THE NOTIFICATION DATED 4-9-2013 PUBLISHED IN
DESABHIMANI DAILY.
- EXT.P5 - A TRUE COPY OF THE COMPLAINT DATED 28-4-2014 FILED BY THE
FIRST PETITIONER BEFORE THE THIRD RESPONDENT.
- EXT.P6 - A TRUE COPY OF THE MEMO DATED 21-4-2014 ISSUED TO ONE OF
THE APPLICANT.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

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ALEXANDER THOMAS, J.
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W.P.(C) No. 11658 of 2014
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Dated this the 29th day of April, 2014

J U D G M E N T

The above Writ Petition has been filed with the prayers to quash Ext.P4 selection notification issued by the 2nd respondent Service Co-operative Bank and for declaration that the appointments can be made in the 2nd respondent Bank only after giving due reservations to candidates belonging to SC/ST and physically handicapped candidates as provided in sub Sections (4) and (5) of Section 80 of the Kerala Co-operative Societies Act (for brevity 'the Act'), 1969. It is the case of the petitioner that, the 1st and 2nd respondents have invited applications for the post of one Peon and one Attender by Ext.P4 selection notification.

2. It is averred that, the total sanctioned strength of the Bank as per Ext.P3 is 24 and that two vacancies are to be filled up from the candidates belonging to SC/ST candidates and that one vacancy should be allotted to

physically handicapped candidates as mandated in sub Sections (4) and (5) of Section 80 of the Act. As of now, there is only one employee in service of the Bank from the SC/ST community and so one vacancy is said to be filled up from that community, it is averred. From the physically handicapped candidates, no person has till date been appointed from the respondent Bank, etc. The petitioner avers that, by Ext.P4 dated 04.09.2013, the 2nd respondent Bank has issued a notification inviting application, but that appointment has not been made for about seven months on the basis of the complaints relating to the non appointments of candidates from the SC/ST and physically handicapped candidates. It is alleged that, now by Ext.P6, a written test and interview is scheduled to be held on 03.05.2014 to make appointments immediately thereafter, etc.

3. It is also alleged that, before conducting test and interview, respondent Bank has decided to appoint one Smt. P. Bindu and one Sri. J.S Raphi to the notified vacancies. Pointing out these grievance of the petitioner

that, he has submitted Ext.P5 representation before the 3rd respondent Joint Registrar.

4. The learned counsel for the petitioner Sri. P.N. Mohanan urges that, the 3rd respondent who is the notified Registrar in respect of the 2nd respondent has the power under Section 66 of the Act and Rule 176 of the Kerala Co-operative Societies Rules (for brevity 'the Rules') to interfere with an illegal decision of the Bank to make appointments which is in violation of the provisions of sub Sections (4) and (5) of Section 80 of the Act and the other provisions of the Act and the Rules framed thereunder.

5. Heard the learned Government Pleader as well.

6. In the facts and circumstances of this case, the 3rd respondent Joint Registrar of co-operative Societies is directed to consider the complaint of the petitioner pointed out in Ext.P5 representation dated 28.04.2014, with due notice to the writ petitioner and the 2nd respondent Bank. Reasonable opportunity of being heard may be granted to them. After completing the aforementioned exercise, the

3rd respondent shall take a decision in accordance with law on the request of the petitioner in Ext.P5 within a period of three weeks from the date of production of a certified copy of this judgment. Until a final decision is taken by the 3rd respondent on Ext.P5, no further appointments shall be made by respondents 1 and 2 pursuant to Ext.P4 selection notification.

With the above directions and observations, the Writ Petition stands finally disposed of.

Sd/-
ALEXANDER THOMAS,
JUDGE

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