

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

FRIDAY, THE 29TH DAY OF JULY 2022 / 7TH SRAVANA, 1944

WP(C) NO. 24258 OF 2022

PETITIONERS:

- 1 SIVADASAN V.V @ SIVAN VEETTIKUNNU, AGED 42 YEARS,
S/O. VELAN, VETTIKUNNU(H), KONDAZHI (P.O),
PARAMELPADI, THRISSUR DISTRICT. PIN-679 106.
- 2 K. SUDEVAN, AGED 46 YEARS, S/O. ACHUTHAN,
KUNNATHU(H), MAYANNOOR (P.O), THRISSUR DISTRICT
PIN-679 105.
- 3 KOMALAVALLI B. @ KOMALAM, AGED 57 YEARS,
D/O. V.K BALAKRISHNAN NAIR, KOMALA NIVAS(H),
KONDAZHI (P.O), THRISSUR(P.O),
THRISSUR DISTRICT. PIN-679 106.

BY ADVS.
K.B.ARUNKUMAR
POOJA K.S.

RESPONDENTS:

- 1 THE REGISTRAR GENERAL OF CO-OPERATIVE SOCIETIES,
OFFICE OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
JAWAHAR SAHAKARANA BHAVAN, DPI JUNCTION,
THYCAUD (P.O), TRIVANDRUM DISTRICT. PIN-695 014.
- 2 THE JOINT REGISTRAR (GENERAL), OFFICE OF THE REGISTRAR
OF CO-OPERATIVE SOCIETIES, CIVIL LINE, AYYANTHOLE,
THRISSUR DISTRICT. PIN- 680 003.
- 3 THE ASSISTANT REGISTRAR (GENERAL), OFFICE OF THE
REGISTRAR OF CO-OPERATIVE SOCIETIES, THALAPILLY,
THRISSUR DISTRICT. PIN-680 582.
- 4 KONDAZHI SERVICE CO-OPERATIVE BANK LTD, NO. 678,
REPRESENTED BY ITS SECRETARY, KONDAZHI (P.O),
THRISSUR DISTRICT. PIN-679 106.
- 5 THE MANAGING COMMITTEE OF THE KONDAZHI SERVICE CO -
OPERATIVE BANK LTD, NO. 678, REPRESENTED BY ITS
PRESIDENT, KONDAZHI (P.O); THRISSUR DISTRICT.
PIN-679 106.

- 6 P. SULAIMAN, AMMANATH(H), SOUTH KONDAZHI (P.O),
THRISSUR DISTRICT. PIN-679 106.
- 7 K. RADHAKRISHNAN, PUYILOTTIL(H), KONDAZHI (P.O),
PARAMELPPADI, THRISSUR DISTRICT. PIN-679 106.
- 8 P.M MANIKANDAN, PATHAYAPPURA MOOTHEDATH(H),
MAYANNOOR (P.O), THRISSUR DISTRICT. PIN-679 105.
- 9 P.P MANIKANDAN, PARAMELPPAADITHERUVU(H), KONDAZHI
(P.O), PARAMELPPADI, THRISSUR DISTRICT. PIN-679
106.
- 10 SARAMMA VARGHESE, THATTUPURAKKAL (H),
SOUTH KONDAZHI (P.O), THRISSUR DISTRICT
PIN-679 106.
- 11 BABY VINODINI, THANIKKAPARAMBHIL(H),
MAYANNOOR (P.O), THRISSUR DISTRICT. PIN-679 105.
- 12 T.C VINOD, THACHARAYEKKAL(H), SOOPPIPADI,
CHELAKKODU (P.O), THRISSUR DISTRICT. PIN-680 586.

BY ADVS.
J.RAMKUMAR
SMT PARVATHY K-GP;
SRI SANDEEP ARANKATH-SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 29.07.2022, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

JUDGMENT

The petitioners are stated to be the members of the Managing Committee of the 4th respondent – Kondazhi Service Co-operative Bank Ltd, and allege that there is rampant corruption perpetrated by respondents 6 to 12 - who are the other members of the said committee - while completing the process of selection and appointment of Peons in the services of the society. They assert that they have obtained a voice clip from a candidate to the effect that he has been asked by some of the members of the Managing Committee to pay bribe and that this has been placed before the 2nd respondent – Joint Registrar of Co-operative Societies, along with Ext.P2 representation. They assert that, if Ext.P2 is not disposed of before the appointments are made, it will amount to travesty of justice; adding that they have already been heard, as evident from Ext.P3.

2. Sri.K.B.Arun Kumar – learned counsel for the petitioners, submitted that, in view of the allegations of

corruption made by his clients, the 3rd respondent is bound to consider Ext.P2 and to issue appropriate orders thereon, before allowing any further appointments; and prayed that this Writ Petition be so allowed.

3. Sri.Sandeep Ankarath – learned counsel appearing for the party respondents, submitted that, as is manifest from the allegations in the Writ Petition itself, the imputations are hearsay and based on fabulous claims of persons who, the petitioners claim, are candidates. He submitted that there is no corruption in the process and that every statutory and imperative steps and measures have been taken to ensure that the selection and appointment of persons to the post of Peons are done in a fair and transparent manner. He thus prayed that this Writ Petition be dismissed.

4. Smt.Parvathy K. - learned Government Pleader, conceded that, on receiving Ext.P2, 3rd respondent had issued Ext.P3 notice to the petitioners seeking their version through personal hearing. She submitted that such hearing appears to have been completed; and added that the said Authority will

dispose of Ext.P2, adverting to every germane and relevant inputs, including any voice clip, if it is available, thus leading to an appropriate order without any avoidable delay.

5. When I consider the afore submissions, there are several issues involved in this case, particularly as to whether the petitioners - who are also the members of the Managing Committee of the Society, can maintain a Writ Petition of this nature. However, I do not propose to go into the merits of such contentions at this stage because I notice that the 3rd respondent has already taken cognizance of Ext.P2 representation, as is limpid from Ext.P3 notice for hearing.

In the afore circumstances, without entering into the merits of any of the rival contentions at this stage, I direct the 3rd respondent to complete proceedings pursuant to Ext.P3, after affording both sides necessary opportunity of being heard; thus culminating in an appropriate order and necessary action thereon, as expeditiously as is possible, but not later than one month from the date of receipt of a copy of this judgment and to communicate the resultant order to both sides without any

further delay thereafter.

Needless to say, until such time as the afore exercise is completed by the 3rd respondent and his decision communicated to the parties, the appointment of persons, now stated to have been done by the selection process conducted by the Society, shall stand deferred.

This Writ Petition is thus ordered.

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Sd/ -
DEVAN RAMACHANDRAN
JUDGE

APPENDIX OF WP(C) 24258/2022

PETITIONER EXHIBITS

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| Exhibit P1 | TRUE COPY OF THE NOTIFICATION DATED
13.10.2022/ |
| Exhibit P2 | THE TRUE COPY OF THE REPRESENTATION
SUBMITTED BEFORE THE RESPONDENTS 1 TO 3. |
| Exhibit P3 | THE TRUE COPY OF THE NOTICE DATED
04.06.2022 ISSUED BY THE 3RD RESPONDENT. |
| Exhibit P4 | TRUE COPY OF THE COMMUNICATION DIRECTING
TO APPEAR FOR INTERVIEW SCHEDULED TO BE
HELD ON 27.07.2022. |