

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN

THURSDAY, THE 23RD DAY OF JULY 2015/1ST SRAVANA, 1937

Con.Case(C).No. 524 of 2015 (S) IN WP(C).3458/2011

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AGAINST THE ORDER IN WP(C) 3458/2011 of HIGH COURT OF KERALA DATED 17-02-2011**

PETITIONER/PETITIONER IN THE WRIT PETITION:

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BIJOY P JOHN, AGED 40 YEARS,
S/O. P.L.JOHN, PUTHENPURACKKAL, VATTAKUNNU P.O.,
MEENADOM, KOTTAYAM - 686 516.**

BY ADV. SRI.JOSE PALLATTUKARAN

RESPONDENTS/RESPONDENT NO. 1 & 2 IN THE WRIT PETITION:

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1. P.C BINOY,
AGE AND FATHERS NAME NOT KNOWN TO THE PETITIONER
SECRETARY, KERALA STATE PUBLIC SERVICE COMMISSION
PATTOM, THIRUVANANTHAPURAM - 695 004.**

**2. RAMESH SHARMA,
AGE AND FATHERS NAME NOT KNOWN TO THE PETITIONER
DISTRICT OFFICER, KERALA PUBLIC SERVICE COMMISSION
DISTRICT OFFICE, KOTTAYAM - 686 001.**

BY SRI.P.C.SASIDHARAN, SC, KPSC

**THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

VPV

P.N.RAVINDRAN, J.
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C.O.(C)No.524 of 2015
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Dated this the 23rd day of July, 2015

JUDGMENT

This contempt case is filed alleging that the respondents herein have willfully disobeyed Annexure A interim order passed by this court on 17.2.2011 in W.P.(C)No.3458 of 2011. By that order I directed the respondents herein to permit the petitioner to participate in the selection process subject to the outcome of the writ petition and on a provisional basis, if the selection process for appointment to the post of Branch Manager in the District Co-operative Bank, Kottayam has not been completed. I had also directed that the result of the examination/interview in so far as it relates to the petitioner need not be published unless otherwise ordered by this court.

2. The main ground raised in the instant contempt case is that though pursuant to that order the petitioner was permitted to write the written examination he was not called for the interview which was held in October, 2014. The application submitted by the petitioner for appointment by direct recruitment to the post of Branch Manager in District Co-operative Bank, Kottayam was rejected on the ground that he does not possess the qualification prescribed for the post. The qualification which the petitioner possesses is a pass in B.Com. Degree

with Co-operation as special subject. The said qualification was introduced as an alternate qualification only with effect from 2.11.2010. The last date stipulated for submission of applications was 13.1.2010. A Division Bench of this court has in W.A.No.793 of 2012 affirming the judgment in W.P.(C)No.8497 of 2012 held that as the qualification which the persons similarly placed as the petitioner herein possessed was not recognised as a qualification as on the last date, it cannot be held that they are qualified and eligible to apply for the post. Another Division Bench of this court has by judgment delivered on 19.3.2013 in W.P.(C)No.37412 of 2009 and connected cases taken a similar view. I have by a detailed order passed today in C.O.(C)No.228 of 2015 held relying on the aforesaid judgments that in the circumstances obtaining it cannot be said that if the Kerala Public Service Commission had acted on the basis of the binding judgments of this court and did not call the petitioner for interview, it amounts to willful disobedience of the interim order passed by this court.

For the reasons which have been set out in detail in C.O.(C) No.228 of 2015 which apply to the instant case as well, I find no good grounds to entertain the instant contempt case. The contempt case fails and it is accordingly dismissed. No costs.

Sd/-

**P.N.RAVINDRAN
JUDGE**