

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR. ASHOK BHUSHAN
&
THE HONOURABLE MR. JUSTICE A.M. SHAFFIQUE

THURSDAY, THE 3RD DAY OF DECEMBER 2015/12TH AGRAHAYANA, 1937

RP.No. 1024 of 2015 () IN WA.2016/2015

AGAINST THE JUDGMENT IN WA2016/2015 of HIGH COURT OF KERALA DATED 09-10-2015

REVIEW PETITIONER(S)/1ST RESPONDENT IN W.A.:

JAMES JOSEPH
S/O V.A. OUSEPH, VADAKKUM AMBIZHAPPILLY HOUSE
CHITILAPPILLY P.O., THRISSUR DISTRICT-680551.

BY ADVS. SRI. DEVAN RAMACHANDRAN
SRI. K.K. MOHAMED RAVUF

RESPONDENT(S)/APPELLANT/RESPONDENTS 2 TO 5 IN W.A.:

1. THE THRISSUR DISTRICT CO-OPERATIVE BANK LTD.
REPRESENTED BY ITS GENERAL MANAGER
KOVILAKATHUMPADAM, THRISSUR-680020.
2. KERALA PUBLIC SERVICE COMMISSION
PATTON, THIRUVANANTHAPURAM, PIN: 695004
REPRESENTED BY ITS SECRETARY.
3. KERALA PUBLIC SERVICE COMMISSION
CHEMBUKKAVU, THRISSUR, PIN 68020
REPRESENTED BY ITS DISTRICT OFFICER.
4. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES
THRISSUR-680001.
5. JAMEELA
DEPUTY GENERAL MANAGER
THE THRISSUR DISTRICT CO-OPERATIVE BANK LTD.
KOVILAKATHUMPADAM, THRISSUR.

R1 BY SRI. GEORGE POONTHOTTAM
R BY SR. GOVERNMENT PLEADER SRI. P.I. DAVIS
R5 BY SRI. P.N. MOHANAN
R BY SRI. D. SREEKUMAR
R BY SRI. P.C. SASIDHARAN, SC, KPSC

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 03-12-2015,
ALONG WITH RP. 1026/2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

ASHOK BHUSHAN, CJ & A.M.SHAFFIQUE, J

R.P. No.1024 of 2015 in W.A. No.2016 of 2015
and

R.P. No.1026 of 2015 in W.A. No.2014 of 2015

Dated this the 3rd day of December, 2015

O R D E R

Ashok Bhushan, CJ.

Heard Sri. Devan Ramachandran, learned counsel for the petitioner. These two Review petitions have been filed by the first respondent praying for review of the judgment dated 9.10.2015. Learned counsel for the petitioner submits that the name of the applicant was in both the rank list, which was prepared for direct recruitment from both open market and employees working in the society. He submits that the applicant having obtained Master of Business Administration was qualified under Rule 186, ie., with regard to rank list of direct recruitment from in-service candidate. He submits that rule 186 begins with “notwithstanding anything contained in rule 186”, all the qualifications mentioned in Rule 186 shall not be applied with regard to direct recruitment from among employees of the co-operative society. He submits that the

above aspect has not been noticed by the Division Bench and hence the observation of the Division Bench that the applicant having not fulfilled the qualification after the amendment of the Rules, earlier rank list could not have been utilized for advising any candidate.

2. We have considered the submission of learned counsel for the petitioner under Rule 187, which is to the following effect :

“187. Vacancies in Apex Society or Central Societies.- Notwithstanding anything contained in Rule 186, in appointments to apex societies or central societies, 50% of the vacancies shall be reserved to the employees of member societies, of the respective apex society or central society as the case may be, having a minimum regular service of 3 years in any of the cadre and having the required qualification for the notified posts in the apex society or central society.”

3. Even though the Rule starts with the words 'notwithstanding anything contained in Rule 186', later portion of the Rule provides two requirements ie., (1) minimum regular service of three years and having the required qualification for the notified posts in the apex society or central society. Both requirement has to be fulfilled and the use of words 'notwithstanding' in the opening part of the Rule does not in any manner overrule the qualification prescribed under Rule

186. The qualification as prescribed under Rule 186 are clearly to be fulfilled by a person applying under Rule 187. The requirement having three year service is an additional requirement and it does not mean that those who have three years service need not fulfill all the qualifications mentioned in Rule 186 in the second column. We do not find any ground to review the judgment.

4. Learned counsel for the applicant lastly submitted that even under rule 186, he is qualified. It is not necessary for us to enter into the said issue and express any opinion for the purpose of this review petition.

The review petitions are dismissed.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M.SHAFFIQUE,
JUDGE