

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ANTONY DOMINIC
&
THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 21ST DAY OF JANUARY 2015/1ST MAGHA, 1936

WA.No. 112 of 2015 () IN WP(C).21222/2013

AGAINST THE ORDER/JUDGMENT IN WP(C) 21222/2013 of HIGH COURT OF KERALA
DATED 31/10/2014

APPELLANT(S)/5th RESPONDENT:

V.V.HARIKRISHNAN
S/O.K.VIJAYAN NAIR, THIRUVONAM HOUSE, KOLIYACODE.P.O.
VENJARAMOODU
THIRUVANANTHAPURAM - 695607. NOW WORKING AS SECRETARY,
KOLIYACODE CONSUMER CO-OPERATIVE SOCIETY LTD. NO.T.1002
KOLIYACODE.

BY ADV. SRI.R.B.RAJESH

RESPONDENT(S)/PETITIONERS/RESPONDENTS 1,2,3 & 4:

1. SINDHU.S.V.
SECREARY
VINOBA SMARAKA HANDLOOM WEAVERS CO-OPERATIVE
SOCIETIES LTD.NO.H(T) 520
KALLIYOOR P.O., THIRUVANANTHAPURAM.
2. BINUKUMAR V.
ACCOUNTANT
VINOBA SMARAKA HANDLOOM WEAVERS CO-OPERATIVE
SOCIETIES LTD.NO.H(T) 520
KALLIYOOR P.O., THIRUVANANTHAPURAM.
3. KUNJUMOL .S.
CLERK
SREE CHITHIRATHIRUNAL SMARAKA POLYESTER
HANDLOOM WEAVERS CO-OPERATIVE SOCIETIES LTD.NO.T.575
PAYARUMOODU, MULLOOR P.O., THIRUVANANTHAPURAM.
4. SHABU L
SALESMAN
KAVUVILAKAM HANDLOOM WEAVERS CO-OPERATIVE SOCIETY
LTD NO.H 9 141
KAVUVILAKAM, VENGANOOR P.O.
5. GEETHAKUMARI AMMA.S,
CLERK
VENGANOOR VILLAGE INTERGRATED HANDLOOM WEAVERS
CO-OPERATIVE SOCIETY LTD NO.H.IND (T) 587
PERINGAMALA, KALLIYOOR P.O., THIRUVANANTHAPURAM.

6. SHEEJA K.P.
CLERK
KARUMKULAM HANDLOOM WEAVERS CO-OPERATIVE
SOCIETY LTD NO.3412
KAVUVILAKAM, THIRUVANANTHAPURAM.
 7. SAJEEV KUMAR V.
ACCOUNTANT
JAIKISH POLYSTER HANDLOOM WEAVERS CO-OPERATIVE SOCIETY
LTD NO.H (T) 646
PERINGAMALA, KALLIYOOR P.O..
 8. LIZU JESLET C.P.
SECRETARY
SREENARAYANAN VANITHA HANDLOOM WEAVERS CO-OPERATIVE SOCIETY
LTD NO.H.IND (T) 689
NARUVAMOOD P.O.
 9. PRAVEEN S.P.
SECRETARY
RAJIV GANDHI VANITHA HANDLOOM WEAVERS CO-OPERATIVE
SOCIETY LTD NO.T.668
KAKKAMoola, KALLIYOOR P.O., THIRUVANANTHAPURAM.
 10. SHEEBA S
CLERK
KAVUVILAKAM HANDLOOM WEAVERS CO-OPERATIVE SOCIETY
LTD NO.H 9 141
KAVUVILAKAM, VENGANOOR P.O.
 11. THE GENERAL MANAGER
DISTRICT INDUSTRIES CENTRE, VELLAYAMABLAM
THIRUVANANTHAPURAM-695 001.
 12. THIRUVANANTHAPURAM DISTRICT CO-OPERATIVE BANK
THIRUVANANTHAPURAM-695 001.
 13. KERALA PUBLIC SERVICE COMMISSION
REPRESENTED BY ITS SECRETARY, THULASI HILLS
PATTOM PALACE P.O., THIRUVANANTHAPURAM-695 004.
 14. THE DISTRICT OFFICER
KERALA PUBLIC SERVICE COMMISSION, DISTRICT OFFICE
PATTOM P.O., THIRUVANANTHAPURAM-695 004.
- R12 BY ADV. SRI.T.R.HARIKUMAR, SC,
BY SRI.P.N.MOHANAN
BY SRI.P.C.SASIDHARAN, SC, KPSC

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 21-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WA NO.112/15

APPENDIX

APPELLANT'S EXHIBITS

ANNEXURE A: TRUE COPY OF THE NOTIFICATION CATEGORY
NO.176/07 AND 177/07 DT 7.12.11 ISSUED BY THE KERALA
PUBLIC COMMISSION.

ANNEXURE B: TRUE COPY OF MAIN RANK LIST OF CANDIDATES
COMING UNDER PART II OF K.P.S.C.

//True Copy//

PA to Judge

Rp

ANTONY DOMINIC & ALEXANDER THOMAS, JJ.
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Writ Appeal No. 112 of 2015
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Dated this the 21st day of January, 2015

J U D G M E N T

Antony Dominic, J.

The party respondents herein filed WP(C) No.21222/13 seeking a direction to the 4th respondent in the writ petition to accept Exts.P14 to P22 service certificates and advice them for appointment as Peon/Watchman in the available vacancies. They also sought a declaration that they are eligible to get appointment to the District Co-operative Bank being employees of the societies affiliated to such Banks.

2. By the judgment under appeal, the learned single Judge disposed of the writ petition along with two other cases declaring that the writ petitioners are eligible to be treated as having been regularly appointed from the date on which their appointment in the Handloom Weavers Co-operative Society is certified by the Registrar and their advice shall be in accordance with the ranking obtained in Ext.P11 rank list. It is this judgment, which is under challenge before us.

3. We heard the learned counsel for the appellant and have considered the submissions made.

4. The only reason which was relied on to refuse advice to the writ petitioners was that their appointment in the Handloom Weavers Co-operative Society was not approved by the Registrar. To sustain the contention that such approval was necessary, Section 80, Rule 182(5) and Section 80(3A) of the Kerala Co-operative Societies Act and Rules were relied on. The learned single Judge examined these provisions of the Act and the Rules and has rightly concluded that these provisions did not mandate the approval of the Registrar. It was in such circumstances that the learned single Judge directed that the petitioners therein shall be treated as having been regularly appointed from the date on which they were appointed in the Handloom Weavers Co-operative Society and on that basis, they shall be advised in accordance with the rank obtained in the ranked list.

5. Having considered the submissions made in the light of the statutory provisions, we do not find any illegality in the view taken by the learned single Judge. Appeal fails and is dismissed.

It is true that a contention was raised that there are several fraudulent societies where vague appointments are allegedly made. However, we do not think it necessary to go into those issues as even the official respondents do not have a case to that effect. Further, the appointment of the writ petitioners were duly certified in Exts.P14 to P22, the genuineness of which was also not under challenge.

Sd/-
**ANTONY DOMINIC
JUDGE**

Sd/-
**ALEXANDER THOMAS
JUDGE**

Rp

//True Copy//

PA to Judge