

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

WA.No. 622 of 2015 () IN WP(C).33147/2014

AGAINST THE JUDGMENT IN WP(C) 33147/2014 of HIGH COURT OF KERALA
DATED 10-03-2015

APPELLANT(S)/PETITIONERS :

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1. MAYA.S., JUNIOR CLERK
AYMANAM VILLAGE SERVICE CO-OPERATIVE BANK LTD.NO.750
AYMANAM, KOTTAYAM-686 015.
 2. ASISH S. JUNIOR CLERK
AYMANAM VILLAGE SERVICE CO-OPERATIVE BANK LTD.NO.750
AYMANAM, KOTTAYAM-686 015.
 3. SANTHOSH P.C. JUNIOR CLERK
AYMANAM VILLAGE SERVICE CO-OPERATIVE BANK LTD.NO.750
AYMANAM, KOTTAYAM-686 015.

BY ADVS.SRI.PRAVINDRAN (SR.)
SRI.M.R.SABU

RESPONDENT(S)/RESPONDENTS :

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1. AYMANAM VILLAGE SERVICE CO-OPERATIVE BANK LTD NO.750
REPRESENTED BY ITS SECRETARY,AYMANAM
KOTTAYAM-686 015.
 2. THE DEPUTY REGISTRAR/SECRETARY
CO-OPERATIVE SERVICE EXAMINATION BOARD
THIRUVANANTHAPURAM-695 001.
 3. RESHMY K.GOPAL
THORANATHU HOUSE, AYMANAM P.O., KOTTAYAM-686 515.
 4. ARYAANIRUDHAN
OLICKAL HOUSE, ELAMKADU P.O., KOTTAYAM-686 514.
 5. VIPIN K.G.
MANGATTU, PLASSANAL P.O., KOTTAYAM-686 579.
 6. JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (G)
KOTTAYAM-686 001.

R2 BY ADV. SMT.RASHMI. K.V., SC, CO.OP. SERVICE EXAMINATION BOARD
R3 to R5 BY SRI.P.V.BABY
R1, R6 BY SR GOVT PLEADER SRI.A.J.JOSE AEDAIDI
R BY SRI.M.RAJEEV
R1 BY SRI.T.A.SHAJI (SR.)

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 31-03-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC & ALEXANDER THOMAS, JJ.

W.A.No.622 of 2015

Dated this the 31st day of March, 2015

JUDGMENT

Antony Dominic, J.

1.The appellants filed the writ petition challenging Ext.P4 order dated 24.11.2014 issued by the second respondent, requiring the first respondent bank to revert them from the post of Junior Clerk to accommodate those candidates who were included in the select list that was published on 12.9.2014.

2.Briefly stated, facts of the case are that the appellants were working in the bank as Attenders on the strength of Ext.P1 order of appointment. By Ext.P3 order dated 30.8.2014, based on a resolution passed by the bank on 25.8.2014, the appellants were promoted to the post of Junior Clerk with effect from 1.9.2014. In the mean while, the bank had passed a resolution on 26.11.2012 to fill up three vacancies and this was reported to the second respondent. On that basis, the second respondent issued notification dated 7.10.2013 for direct recruitment to the vacancies of Junior Clerk notified to them. Examination was held on 8.3.2014 and a ranked list

was published on 17.9.2014. It was based on the said ranked list that Ext.P4 was issued by the second respondent on 24.11.2014, requiring the first respondent to revert the appellants in order to accommodate the candidates included therein.

3. In the writ petition where the challenge was against Ext.P4, learned single Judge took the view that in view of the provisions contained in section 80B of the Kerala Co-operative Societies Act, 1969, the vacancies could not have been filled up otherwise than by direct recruitment. On that basis, learned single Judge upheld Ext.P4. However, taking note of the submission that the bank has already sought for re-classification, learned single Judge also observed that the Joint Registrar, before whom the said request was pending, shall pass final orders on re-classification within a period of two months.

4. It is also now disclosed that after the dismissal of the writ petition, the appellants were reverted in pursuance of Ext.P4 and respondents 3 to 5 were appointed as Junior Clerks.

5. During the course of hearing of the writ appeal, learned Government Pleader has produced order dated 24.3.2015 of the Joint Registrar which shows that he has approved the request of the bank to re-classify it as class I with effect from 1.4.2015. As a result of the re-classification thus allowed, the total number of posts available in the category of Junior Clerk is now increased to 10 and going by the submission made by the learned senior counsel for the appellants, there are now sufficient vacancies for accommodating the appellants as also respondents 3 to 5.

Taking note of the above, we dispose of the writ appeal setting aside the judgment in the writ petition and quashing Ext.P4. It is also ordered that the appellants will stand reinstated as Junior Clerks as ordered in Ext.P3 and respondents 3 to 5 will also be assigned seniority depending on their date of appointment.

Sd/-

ANTONY DOMINIC, Judge.

Sd/-

ALEXANDER THOMAS, Judge.

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