

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

THURSDAY, THE 19TH DAY OF MARCH 2015/28TH PHALGUNA, 1936

WA.No. 640 of 2015 () IN WP(C).24461/2014

APPELLANT/PETITIONER:

**JAMES JOSEPH V.
S/O V.A.OUSEPH, VADAKKUM AMBIZHAPPILLY HOUSE
CHITILAPPILLY P.O., THRISSUR DISTRICT, PIN:680 551.**

BY ADV. SRI.K.K.MOHAMED RAVUF

RESPONDENTS/RESPONDENTS:

- 1. THE THRISSUR DISTRICT CO-OPERATIVE BANK LTD.
REPRESENTED BY ITS GENERAL MANAGER
KOVILAKATHUMPEDAM, THRISSUR-680001.**
- 2. KERALA PUBLIC SERVICE COMMISSION,
PATTOM, THIRUVANANTHAPURAM-695004
REPRESENTED BY ITS SECRETARY.**
- 3. KERALA PUBLIC SERVICE COMMISSION
CHEMBUKKAVU, THRISSUR-680 001
REPRESENTED BY ITS DISTRICT OFFICER**
- 4. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES
THRISSUR, 680 001**

**R1 BY ADV. SRI.D.SREEKUMAR, SC, THRISSUR DIST. CO.OP. BANK
SPECIAL GOVERNMENT PLEADER SRI.D.SOMASUNDARAM
R BY SRI.P.C.SASIDHARAN, SC, KPSC**

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 19-03-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

ANTONY DOMINIC & ALEXANDER THOMAS, JJ.

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W.A.No. 640 of 2015

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Dated this the 19th day of March, 2015

J U D G M E N T

ANTONY DOMINIC, J.:

The appellant filed W.P.(C).No.24461 /2014, in which, the main prayer is to direct the 1st respondent to report three vacancies of Deputy General Managers to the 3rd respondent. Further direction requiring the 3rd respondent to advise candidates in response to the reporting of the vacancies, was also sought for. In the Writ Petition the appellant also sought an interim prayer for reporting three vacancies. By order dated 12th March, 2015, the learned Single Judge declined the prayer. It is aggrieved by this order, the appeal is filed.

2. We heard the learned counsel for the appellant, the learned counsel appearing for the bank and the learned Standing Counsel appearing for respondents 2 and 3.

3. From what we have stated itself, it is clear that the interim prayer sought for by the appellant is the main prayer in the Writ Petition also. It is the settled position of law that no litigant can

seek an interim order, which is in the nature of final order. For that reason itself the appellant could not have sought the interim order prayed for. However, we do find force in the submission of the appellant that the observation of the learned Single Judge that the notified number of vacancies alone could have been filled up from the rank list in question, may not be correct in the light of the principles laid by this Court in *Jyothish Kumar v. State of Kerala* reported in 1996 (2) KLT 444. However, since the Writ Petition is still pending, we do not want to probe into the matter any further except notice that contention and the correct legal position.

For the aforesaid reasons, we confirm the interim order challenged and leave it open to the appellant to move for an early hearing of the Writ Petition itself. The Writ Appeal is dismissed.

Sd/-

ANTONY DOMINIC, JUDGE

Sd/-

ALEXANDER THOMAS, JUDGE

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P.S. to Judge