

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

TUESDAY, THE 17TH DAY OF NOVEMBER 2015/26TH KARTHIKA, 1937

WA.No. 1019 of 2015 ()

AGAINST THE JUDGMENT IN WP(C) 12757/2014 DATED 06-03-2015

APPELLANT/PETITIONER :

**RATNAKARAN P.,
AGED 34 YEARS, S/O.KUNHAMBU,
MUNDOT, THAIKOOTTAM HOUSE
ANANDASHRAM VIA., KANHIRAPOYIL,
KASARAGOD DISTRICT.**

BY ADV. SRI.T.K.VIPINDAS

RESPONDENTS/RESPONDENTS :

- 1. THE KUMBLA SERVICE CO-OPERATIVE BANK LIMITED
KUMBALA, KASARAGOD DISTRICT, PIN 671 321
REPRESENTED BY ITS SECRETARY.**
- 2. THE SECRETARY/DEPUTY REGISTRAR
CO-OPERATIVE EXAMINATION BOARD
KERALA STATE CO-OPERATIVE BANK BUILDING
THIRUVANANTHAPURAM -1**
- 3. THE REGISTRAR OF CO-OPERATIVE SOCIETIES
THIRUVANANTHAPURAM - 695 001.**
- 4. JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL)
OFFICE OF THE JOINT REGISTRAR
CO-OPERATIVE SOCIETIES, KASARAGOD - 671 321.**
- 5. THE PRESIDENT
KUMBALA SERVICE CO-OPERATIVE BANK LIMITED, KUMBALA
KASARAGOD DISTRICT, PIN - 671 321.**

**R1 & R5 BY ADVS. SRI.PUSHPARAJAN KODOTH
SRI.K.JAYESH MOHANKUMAR
R2 BY ADV. SMT.RASHMI. K.V., SC
R3 & R4 BY SR. GOVT. PLEADER SRI. P.I. DAVIS**

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 17-11-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Mn

ASHOK BHUSHAN, C.J.

&

A.M. SHAFFIQUE, J.

=====

W.A. No. 1019 of 2015

=====

Dated this, the 17th day of November, 2015

J U D G M E N T

Ashok Bhushan, C.J.

Heard the learned counsel for the appellant. This writ appeal has been filed against judgment dated 6th March 2015 in WP(C) No.12757/2014 by which the writ petition filed by the appellant had been dismissed. The appellant was an applicant for the post of Junior Clerk. Two vacancies were advertised and were filled up. Appellant was at No.3 in the ranked list. The second rank holder subsequently resigned and the appellant filed an application claiming appointment to the said vacancy, which claim was not accepted. Petitioner thereafter filed the writ petition seeking a mandamus directing the respondents to appoint the writ petitioner, being at rank no.3. Learned Single Judge dismissed the writ petition holding that the vacancy coming into existence on resignation is a fresh vacancy on which the appellant cannot raise any claim. Learned Single Judge relied on the

judgment of the Apex Court reported in ***Thrissur District Co-operative Bank v. Delson Davis*** (2002 (1) KLT 852).

2. In the present case, learned counsel for the appellant submits that rank list was valid for a period of two years. Hence, the said rank list could have been utilized for appointment of the writ petitioner. There is nothing on record to indicate that there was any stipulation that future vacancies arising after completion of the selection process was also to be filled up from the said ranked list and mere fact that the ranked list was valid for two years does not permit the petitioner to claim any appointment on a fresh vacancy which arose thereafter. Since no material has been brought on record to indicate any such stipulation in the selection process, we do not find any error in the judgment of the learned Single Judge warranting interference in this appeal.

Appeal is dismissed.

Sd/-
ASHOK BHUSHAN, CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE, JUDGE

Rp

17/11/2015

//True Copy//

PS to Judge