

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

MONDAY, THE 16TH DAY OF FEBRUARY 2015/27TH MAGHA, 1936

WA.No. 1848 of 2014 () IN WP(C).8743/2013

**AGAINST THE ORDER/JUDGMENT IN WP(C) 8743/2013 of HIGH COURT OF KERALA
DATED 25-09-2014**

APPELLANT(S)/3RD AND 4TH PETITIONERS:

- 1. INDIRA POOVANCHERI
W/O.JAYACHANDRAN, VIPANCHIKA, THUMARAKKAV
POOKARI POST, MALAPPURAM DISTRICT.**
- 2. SHAJI.M.,
S/O.BHASKARAN, MANKADA HOUSE, NEDUVA POST
PARAPPANANGADI, MALAPPURAM DISTRICT.**

**BY ADVS.SRI.K.M.SATHYANATHA MENON
SMT.KAVERY S THAMPI**

RESPONDENT(S)/RESPONDENTS:

- 1. THE MALAPPURAM DISTRICT CO-OPERATIVE BANK
MALAPPURAM REPRESENTED BY ITS SECRETARY
MALAPPURAM 675 505.**
- 2. THE DISTRICT OFFICER,
KERALA PUBLIC SERVICE COMMISSION
MALAPPURAM - 676 505.**
- 3. THE KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY ITS SECRETARY
THIRUVANANTHAPURAM - 695 001.**

**R1 BY ADV. SRI.ESM.KABEER
BY SRI.P.C.SASIDHARAN, SC, KPSC**

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 16-02-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

ANTONY DOMINIC & ALEXANDER THOMAS, JJ.
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Writ Appeal No. 1848 of 2014
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Dated this the 16th day of February, 2015

J U D G M E N T

Antony Dominic, J.

This appeal is filed by the 3rd and 4th petitioners in WP(C) No.8743/13 complaining that though they were included in the ranked list published by the PSC for the post of Clerk/Cashier, the respondent Bank was not reporting vacancies, which, according to them, were in existence.

2. When the writ petition came up for consideration before the learned single Judge on 25th of September, 2014, submission was made on behalf of the Bank that there are 108 sanctioned posts and that 96 persons were working in the category. It was also stated that there were 11 further vacancies and that these vacancies were also reported to the PSC on 29/8/14. Recording the aforesaid submission, the learned Judge disposed of the writ petition. It is aggrieved by this judgment, this appeal is filed.

3. We heard the learned counsel for the appellants, learned standing counsel appearing for the Bank and the learned counsel appearing for the PSC.

4. Before us, controversy raised by the learned counsel for the appellants was confined to 11 vacancies, which were said to have been reported on 29/8/14. According to the counsel, what was reported were the vacancies in the supernumerary posts and do not form part of the regular cadre. Therefore, according to the counsel, submission that the vacancies were reported are incorrect. When this contention was reiterated before us, Bank was directed to file an affidavit and accordingly affidavit dated 28th of January 2015 has been filed which clarifies the factual position that the 11 vacancies reported were described as supernumerary posts, because those vacancies were only anticipated vacancies and not regular vacancies. In such circumstances, we cannot accept the contention of the counsel for the appellants that an erroneous submission was made before this Court.

5. Further, we also notice that the rank list in question has expired on 27/9/14 and that therefore, no candidate who is

included in the rank list can now seek any relief on the basis of the rank list.

6. In such circumstances, we are not inclined to interfere with the judgment under appeal.

Appeal is dismissed.

Sd/-
**ANTONY DOMINIC
JUDGE**

Sd/-
**ALEXANDER THOMAS
JUDGE**

Rp

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PA to Judge