

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 7TH DAY OF JANUARY 2015/17TH POUSHA, 1936

WA.No. 1929 of 2014 () IN WP(C).25843/2014

**AGAINST THE ORDER/JUDGMENT IN WP(C) 25843/2014 of HIGH COURT OF KERALA
DATED 07-10-2014**

APPELLANT(S)/PETITIONERS 1 TO 3 IN WP:

- 1. SATHEESH P.K
PUNNACODE KALAM, MANCHIRA, CHITTUR P.O
PALAKKAD.**
- 2. BIJU T.K
THOZHANNUR KALARIKKAL, ARIYALLOOR P.O
MALAPPURAM DISTRICT.**
- 3. VINOD KUMAR P
PANCHIKKIL VADAKKE VEEDU, PADINHATTAM KOZHUVAI
NILESHWAR P.O, KASARAGOD DISTRICT.**

**BY ADVS.SRI.K.RAMAKUMAR (SR.)
SRI.S.M.PRASANTH
SRI.RENJITH G.
SMT.JINNU SARA GEORGE
SMT.AMMU CHARLES**

RESPONDENT(S)/RESPONDENTS & 4TH PETITIONER:

- 1. THE DISTRICT OFFICER
(WRONGLY SHOWN AS DISTRICT COLLECTOR IN WP)
THE KERALA PUBLIC SERVICE COMMISSION
DISTRICT OFFICE, KASARAGODE 671 121.**
- 2. THE DISTRICT OFFICER
THE KERALA PUBLIC SERVICE COMMISSION
DISTRICT OFFICE, PALAKKAD 678 001.**
- 3. THE DISTRICT OFFICER
THE KERALA PUBLIC SERVICE COMMISSION
DISTRICT OFFICE, MALAPPURAM 676 505.**

4. BINDU S
POOTHAMANNIL HOUSE, THOLANNUR
PALAKKAD DISTRICT. 678 001.

BY SRI.P.C.SASIDHARAN, SC, KPSC

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 07-01-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WA NO.1929/14

APPENDIX

APPELLANTS' EXHIBITS

ANNEXURE A: TRUE COPY OF NOTIFICATION DT. 14.12.2009
PUBLISHED IN THE KERALA GAZETTE EXTRA ORDINARY.

ANNEXURE B: TRUE COPY OF COMMUNICATION DT 28.11.14
ISSUED BY THE HIGH COURT OF KERALA UNDER THE RIGHT TO
INFORMATION ACT ALONG WITH THE REQUEST MADE BY ONE
RADHALAKSHMI.

ANNEXURE C: TRUE COPY OF NOTIFICATION PUBLISHED IN THE
DAILY DT 21.11.11.

ANNEXURE D: TRUE COPY OF RANK LIST PUBLISHED BY THE
KERALA CO-OP. SERVICE EXAMINATION BOARD.

//True Copy//

PA to Judge

Rp

ANTONY DOMINIC & ALEXANDER THOMAS, JJ.
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Writ Appeal No. 1929 of 2014
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Dated this the 7th day of January, 2015

J U D G M E N T

Antony Dominic, J.

This writ appeal is filed against the judgment of the learned single Judge dismissing WP(C) No.25843/14 filed by the appellants. Their grievance was that in the recruitment to the post of Branch Manager in the District Co-operative Banks to the vacancies which were notified by the PSC on 14/12/2009, the only prescription was that the candidates should have 50% marks. It is stated that however, subsequently, PSC introduced a prescription that the 50% marks should be in the aggregate. This was contended to be illegal. However, the learned single Judge rejected the contentions and dismissed the writ petition itself. It is this judgment which is under challenge before us.

2. We heard the learned senior counsel for the appellants and the learned standing counsel appearing for the respondents.

3. First of all, we should state that judgments dismissing similar writ petitions were confirmed by the Division Bench of this

Court and one such writ appeal which was dismissed on 21/10/14 is WA No.1473/14.

4. Despite the above, learned senior counsel for the appellants relying on the decision of the Apex Court in **Mohd. Sohrab Khan v. Aligarh Muslim University** (2009) 4 SCC 555) and the judgment of this Court in **Biju v. Kerala Public Service Commission** (2014(4) KLT 980) contended that recruitment should be based on the qualifications prescribed and that once the PSC issues notification, the PSC cannot change the qualifications notified.

5. In so far as this case is concerned, it is the admitted case that after the notification in question was issued in Malayalam, the PSC had also issued a notification in English where it was made clear that the marks shall be in the aggregate. Such prescription of marks is consistent with the qualification prescribed in Rule 186(ia)(i) of the Kerala Co-operative Societies Rules, which prescribe the qualifications for the post. This rule reads thus;

"186(ia)(i) Graduation from a recognised University with not less than 50% of marks in the aggregate and Higher Diploma in Co-operation [HDC or HDC & BM of the State

Co-operative Union of Kerala or HDC and HDCM of National Council for Co-operative Training or successful completion of the subordinate (Junior) personal Co-operative Training Course (Junior) Diploma in Co-operation].

Or

B.Sc (Co-operation & Banking), Kerala Agricultural University.

Or

B.Com (with Co-operation) recognized by any of the Universities in Kerala with not less than 50% marks in the aggregate.”

6. Therefore, the appellants may not justifiably contend that the stand taken by the PSC is inconsistent with the qualification prescribed. In such circumstances, we are unable to find any force in the contention raised before us. We do not find any merit in the appeal.

Appeal is dismissed.

Sd/-
**ANTONY DOMINIC
JUDGE**

Sd/-
**ALEXANDER THOMAS
JUDGE**

Rp

//True Copy//

PA to Judge