

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

FRIDAY, THE 12TH DAY OF JUNE 2015/22ND JYAISHTA, 1937

WP(C).No. 4408 of 2014 (A)

PETITIONER:

R.SUGUNAN, AGED 54 YEARS,
S/O.RAMACHANDRAN, MUTHIRAVILA VEEDU,
OZHUKUPARA, P.O.POLACHIRA, KOLLAM-691 334.

BY ADVS.SRI.K.C.SANTHOSHKUMAR
SMT.K.K.CHANDRALEKHA

RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY SECRETARY TO THE GOVERNMENT,
CO-OPERATIVE DEPARTMENT,
GOVERNMENT OF KERALA, THIRUVANANTHAPURAM-695 001.
2. THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
THIRUVANANTHAPURAM-695 001.
3. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL),
KOLLAM - 691 001.
4. NEDUNGOLAM SERVICE CO-OPERATIVE BANK LTD.NO.2845,
NEDUNGOLAM P.O.,
KOLLAM-691 334 REPRESENTED BY ITS SECRETARY.

R2 BY ADV. SRI. G. GOPAKUMAR, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
12-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C).No. 4408 of 2014 (A)

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 - TRUE COPY OF THE ORDER DATED 29-01-2014 ISSUED BY THE 2ND
RESPONDENT

RESPONDENTS' EXHIBITS : NIL

/True Copy/

P.A to Judge.

ANU SIVARAMAN, J.
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W.P.(C).No.4408 of 2014
= = = = =
Dated this the 12th day of June, 2015

JUDGMENT

The prayer in this writ petition is to call for the records leading to Ext.P1 and quash the same to the extent it limits the date of taking effect of the said order. There is also a prayer for a declaration that the petitioner is entitled to get relaxation from qualifications with effect from the date of resolution taken by the 4th respondent Society to seek exemption under Rule 185(8) of the Kerala Co-operative Societies Rules. The question raised herein is covered by a decision of this Court in **K.K.Dasan v. Registrar of Co-operative Societies and another** (2007(1) KLT 581) wherein it has been categorically held that relaxation from educational qualifications under Rule 185(8) of the Kerala Co-operative Societies Rules is to be granted effective from the date of resolution taken by the Board for granting promotion to the incumbents.

2. In view of the above decision, the writ petition is only to be allowed. Accordingly, it is declared that the petitioner is

entitled to the benefit of exemption from educational qualifications with effect from 22.01.2013, that is the date of resolution adopted by the respondent Society to seek exemption from educational qualifications for the purpose of granting promotion to the petitioner. The petitioner shall be entitled to consequential benefits arising from the said order.

The writ petition is accordingly allowed. No costs.

Anu Sivaraman, Judge

sj