

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 13TH DAY OF JANUARY 2015/23RD POUSHA, 1936

WP(C).No. 6459 of 2014 (F)

PETITIONER:

SMITHA GOPINATH, AGED 35 YEARS,
W/O. PRASADKUMAR, MARATTUTHONNALA, VAZHAPPALLY WEST,
CHANGANACHERRY, KOTTAYAM DISTRICT.

BY ADV. SRI.S.JAYAKRISHNAN

RESPONDENT(S):

1. STATE OF KERALA
REPRESENTED BY THE SECRETARY
CO-OPERATION (C) DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM, PIN:695 001.
2. THE KERALA CO-OPERATIVE SERVICE EXAMINATION BOARD
REPRESENTED BY THE SECRETARY, 2ND FLOOR
KERALA STATE CO-OPERATIVE BANK BUILDING
OVER BRIDGE JUNCTION, THIRUVANANTHAPURAM, PIN:695 001.
3. JOINT REGISTRAR (GENERAL)
CO-OPERATIVE SOCIETIES, KOTTAYAM, PIN:686 002.
4. VAZHAPPALLY SERVICE COOPERATIVE BANK LTD., NO.K.108,
REPRESENTED BY ITS SECRETARY, HEAD OFFICE, VAZHAPPALLY,
CHANGANACHERRY, KOTTAYAM, PIN:686 103.
- ADDL.5. NABEEZA.M.S., MANICKANOLICKAL HOUSE,
NEDUMKUNNAM P.O., KOTTAYAM, PIN - 686 542.
- ADDL. 6. DEEPAMOL KURIAN, VADAKKEL HOUSE,
PUNCHAVAYAL P.O., MUNDAKKAYAM,
KOTTAYAM, PIN - 686 513.
- ADDL.7. ANOOP.M., ANOOP NIVAS, CHANNANIKKADU P.O.,
KOTTAYAM, PIN - 686 533.

W.P (C) No.6459/2014

: 2 :

(IMPLEADED AS ADDITIONAL RESPONDENTS 5 to 7 AS PER ORDER
DATED 8.4.2014 IN IA.NO.4865/14)

R2 BY ADV. SRI.ANIL THOMAS, SC, CO.OP. SERVICE EXAMINATION BOARD
R2 BY ADV. SMT.RASHMI. K.V., SC, CO.OP. SERVICE EXAMINATION BOARD
R4 BY ADV. SRI.LAL GEORGE
R5 -R 7 BY ADV. SRI.K.K.CHANDRAN PILLAI (SR.)
R5 -R 7 BY ADV. SRI.THOMAS JAMES MUNDACKAL
R5 -R 7 BY ADV. SMT.K.V.SHENU
R5 -R 7 BY ADV. SMT.S.AMBILY
R5 -R 7 BY ADV. SRI.ARUN ANTONY
R BY GOVERNMENT PLEADER SRI.GIKKU JACOB.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
13-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE RANK LIST ISSUED BY THE 2ND RESPONDENT.

EXHIBIT P2: TRUE COPY OF THE RECRUITMENT PROCEDURE PUBLISHED BY THE 2ND RESPONDENT.

EXHIBIT P3: TRUE COPY OF THE REPRESENTATION DATED 1.3.2014 FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

RESPONDENT(S)' EXHIBITS

EXT.R7(a) COPY OF A PORTION OF ADVERTISEMENT DATED 22.4.2013 PUBLISHED BY THE SECOND RESPONDENT.

EXT.R7(b) COPY OF APPOINTMENT ORDER ISSUED TO THE 7TH RESPONDENT DATED 1.3.2014.

EXT.R7(c) COPY OF APPOINTMENT ORDER DATED 1.3.2014 ISSUED TO THE 5TH RESPONDENT.

EXT.R7(d) COPY OF THE APPOINTMENT ORDER DATED 1.3.2014 ISSUED TO THE 6TH RESPONDENT.

EXT.R7(e) COPY OF THE INFORMATION GIVEN BY THE VILLAGE OFFICER, KUNNATHANAM VILLAGE DATED 3.6.2014 ALONG WITH THE APPLICATION AND DOCUMENTS SUBMITTED BY THE PETITIONER AND THE CERTIFICATE ISSUED BY THE VILLAGE OFFICER.

EXT.R7(f) COPY OF THE APPLICATION DATED 22.4.2014 SUBMITTED BY THE PETITIONER BEFORE THE VILLAGE OFFICER.

EXT.R4(a) TRUE PHOTOSTAT COPY OF THE COMMON NOTIFICATION DATED 22.4.2013.

EXT.R4(b) TRUE PHOTOSTAT COPY OF THE LETTER DATED 13.11.2013.

EXT.R4(c) TRUE PHOTOSTAT COPY OF THE PROFORMA FOR AWARDED MARKS IN THE INTERVIEW.

W.P (C) No.6459/2014

: 2 :

EXT.R4(d) TRUE PHOTOSTAT COPY OF THE MODEL OF NATIVITY CERTIFICATE
(MALAYALAM)

EXT.R4(e) TRUE PHOTOSTAT COPY OF THE COVERING LETTER DATED
7.1.2014.

EXT.R4(f) TRUE PHOTOSTAT COPY OF THE PROCEEDINGS DATED
20.2.2014.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.6459 of 2014

Dated this the 13th day of January, 2015

J U D G M E N T

The petitioner was admittedly awarded grace marks once under Rule 182(4)(ivA) of the Kerala Co-operative Societies Rules, 1969. This is on the basis of Ext.R7(e) series certificates to the effect that she is a native of Kunnathanam in Mallappilly Taluk of Pathanamthitta District. The petitioner on the basis of such nativity certificates was offered employment in the Service Co-operative Bank, Kunnathanam wherein she is presently working.

2. The petitioner cannot simultaneously claim to be a native of Vazhappilly Village of Changanacherry Taluk on the ground that her husband belongs to that place. The intention of Rule 182(4)(ivA) of the Rules is not to enable the candidates to obtain multiple nativity certificates on the basis of their birth and of their spouse. Moreover Ext.P1 rank list was published as early as on 29.9.2013 whereas Ext.P3 complaint was filed before the third respondent only on 1.3.2014.

3. Additional respondents 5 to 7 were

appointed on 1.3.2014 as evident by Annexures R7(b), R7 (c) and R7(d) orders. But the writ petition was filed only on 5.3.2014 much after the process of selection and appointment. I do not find any ground to grant relief to the petitioner either on equity or on other grounds. The petitioner is also guilty of laches in not being vigilant and I decline jurisdiction in the circumstances.

The writ Petition is dismissed. No costs.

Sd/-
V.CHITAMBARESH,
Judge.

nj.