

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

FRIDAY, THE 6TH DAY OF MARCH 2015/15TH PHALGUNA, 1936

WP(C).No. 12757 of 2014 (T)

PETITIONER(S)/PETITIONER:

RATNAKARAN P. AGED 33 YEARS
S/O KUNHMABU, MUNDOT, THAIKOTTAM HOUSE
ANANDASHRAM VIA, KANHIRAPOYIL, KASARAGOD DISTRICT.

BY ADV. SRI.T.K.VIPINDAS

RESPONDENT(S)/RESPONDENTS:

1. THE KUMBLA SERVICE CO-OPERATIVE BANK LIMITED
KUMBLA, 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 - 695 001
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
THE KUMBLA SERVICE CO-OPERATIVE BANK LIMITED, KUMBLA
KASARAGOD DISTRICT, PIN - 671 321.

R1,R 5 BY ADV. SRI.PUSHPARAJAN KODOTH
R1 BY ADV. SRI.K.JAYESH MOHANKUMAR
R1 BY ADV. SMT.VANDANA MENON
R2 BY ADV. SMT.RASHMI. K.V., SC, CO.OP. SERVICE EXAMINATION BOARD
R4 BY ADV. GOVERNMENT PLEADER SRI.GIKKU JACOB.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
06-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1 : THE TRUE COPY OF THE ADMISSION TICKET ISSUED BY THE 2ND
RESPONDENT TO THE PETITIONER

EXHIBIT P2 : THE TRUE COPY OF THE LETTER DATED 10.02.2012 ISSUED BY THE
1ST RESPONDENT TO THE PETITIONER CALLING UPON TO ATTEND THE
INTERVIEW

EXHIBIT P3 : THE TRUE COPY OF THE RANK LIST PUBLISHED BY THE 2ND
RESPONDENT WITH RESPECT TO THE EXAMINATION FOR THE POST OF
JUNIOR CLERK

EXHIBIT P4 : THE TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE
PETITIONER BEFORE THE 2ND RESPONDENT DATED 04.10.2013

EXHIBIT P5 : THE TRUE COPY OF THE LETTER DATED 20.08.2013

EXHIBIT P6 : THE TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE
PETITIONER DATED 19.04.2014 BEFORE THE RESPONDENTS

EXHIBIT P7 : THE TRUE COPY OF THE POSTAL RECEIPTS

EXHIBIT P8 : TRUE COPY OF THE PROCEEDINGS OF THE JOINT REGISTRAR
OF CO-OPERATIVE SOCIETIES DATED 3.3.2012.

EXHIBIT P9 : TRUE COPY OF THE AUDIT REPORT FOR THE YEAR 2012-2013.

EXHIBIT P10: TRUE COPY OF THE INFORMATION FROM THE PUBLIC INFORMATION '
OFFICER, OFFICER OF THE JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES DATED 22.7.2014.

RESPONDENT(S)' EXHIBITS

EXT.R1(a) TRUE COPY OF THE RESOLUTION DATED 26.7.2013 PASSED BY THE
BANK.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.12757 of 2014

Dated this the 6th day of March, 2015

J U D G M E N T

Two vacancies originally notified were concededly filled up. Subsequent vacancies during the currency of the ranked list cannot be reckoned [See Kodakara Farmers Service Co-op. Bank Ltd. v. Neena (2010 (1) KLT 541)]. The fact that one of the appointees tendered his resignation is of no avail. This is because the selection process is complete and the resignation can only lead to a fresh vacancy [See Thrissur District Co-op. Bank Ltd. v. Delson Davis (2002 (1) KLT 852 (SC)].

2. The petitioner has only been assigned third place in the ranked list. The petitioner cannot compel the first respondent Bank to appoint him. This is so notwithstanding Ext.P5 direction of the fourth respondent Joint Registrar.

The writ Petition is dismissed. No costs.

Sd/-
V.CHITAMBARESH,
Judge.

nj.