

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

FRIDAY, THE 20TH DAY OF FEBRUARY 2015/1ST PHALGUNA, 1936

WP(C).No. 16444 of 2013 (E)

PETITIONER:

**FRANCIS THOMAS
S/O. THOMAS, AGED 34 YEARS, OTTAPLAKKAL HOUSE
MANDALAM P.O., NADUVIL, TALIPARAMBA TALUK
KANNUR DISTRICT.**

**BY ADVS.SMT.AYSHA RAHMAN
SMT.NILA. C.V.
SMT.B.SHAMEERA**

RESPONDENTS:

- 1. THE STATE OF KERALA
REPRESENTED BY THE SECRETARY
CO-OPERATIVE DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM - 695 001**
- 2. THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
THIRUVANNTHAPURAM. - 695 001**
- 3. THE NADUVIL SERVICE CO-OPERATIVE BANK LIMITED
NO. L L 136, REPRESENTED BY ITS SECRETARY
NADUVIL P.O., TALIPARAMBA TALUK, KANNUR DISTRICT - 670 582**

**R1 & R2 BY GOVERNMENT PLEADER SRI. T.R. RAJESH
R3 BY ADVS. SRI.V.C.JAMES
SRI.SEBASTIAN JOSEPH (KURISUMMOOTIL)**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
20-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

WP(C).No. 16444 of 2013 (E)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1- TRUE COPY OF THE MEDICAL CERTIFICATE DATED 29/04/2006

EXHIBIT-P2- TRUE COPY OF THE NOTIFICATION DATED 11/06/2013.

EXHIBIT-P3- TRUE COPY OF THE APPLICATION DATED 22/06/2013.

EXHIBIT-P4- TRUE COPY OF THE CALL LETTER DATED 24/06/2013.

EXHIBIT-P5- TRUE COPY OF THE CIRCULAR DATED 14/07/2011.

**EXHIBIT-P6- TRUE COPY OF THE POSTING ORDER DATED 01.07.2013 ISSUED BY
R3**

RESPONDENT(S)' EXHIBITS:-

**EXHIBIT-R3(a)- TRUE COPY OF THE JUDGMENT DATED 30.01.2008 IN W.P.
(C). NO. 21940/2007**

EXHIBIT-R3(b)- TRUE COPY OF THE POSTAL RECEIPT DATED 2.7.2013

EXHIBIT-R3(c)- TRUE COPY OF LETTER DATED 2.7.2013

**EXHIBIT-R3(d)- TRUE COPY OF THE DRIVING LICENCE ISSUED TO THE
PETITIONER**

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 16444 OF 2013

Dated this the 20th day of February, 2015

JUDGMENT

The petitioner asserts that Ext. P5 circular (No. 54/2011) issued by the second respondent is openly flouted by the third respondent bank. My attention is drawn to Clause 5 of Ext. P5 circular which says the blind persons have to be preferred to persons with hearing disability. The persons with other physical disability have to be preferred last as per Clause 5 of Ext. P5 circular. Persons with hearing disability and other physical disability can be chosen only if the partially blind candidate is otherwise ineligible to be accommodated in the post.

2. It is open to the petitioner to make a motion in this regard before the concerned Registrar of Co-operative Societies having jurisdiction over the area. The Joint Registrar having jurisdiction is well competent to issue appropriate directions in regard to adherence of circulars under Section 66A of the Kerala Co-operative Societies Act. Any motion made by the petitioner in this regard shall be dealt with after notice to the petitioner as well as the present appointee. No doubt

the third respondent bank shall also be heard in the exercise.

3. The Joint Registrar having jurisdiction shall deal with the issue on receipt of appropriate petition from the petitioner within a period of two months.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS