

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 3RD DAY OF JUNE 2015/13TH JYAISHTA, 1937

WP(C).No. 14551 of 2015 (T)

PETITIONER : -

C.O.LISSY,
ASSISTANT SECRETARY,
VALAPPAD SERVICE CO-OPERATIVE BANK LTD. NO.F 207,
VALAPPAD, THRISSUR.

BY ADV.SRI.P.PJACOB

RESPONDENTS : -

1. THE VALAPPAD SERVICE CO-OPERATIVE BANK LTD NO.F207,
VALAPPAD P.O., THRISSUR, PIN: 680 567,
REPRESENTED BY ITS SECRETARY.
2. THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES (G),
CHAVAKKAD, OFFICE OF THE ASSISTANT REGISTRAR OF
CO-OPERATIVE SOCIETIES, CHAVAKKAD, THRISSUR.
3. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (G),
THRISSUR, OFFICE OF THE JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES (G), THRISSUR.
4. THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
THIRUVANANTHAPURAM - 695 001.

BY Sr. GOVERNMENT PLEADER SRI. K.V. VINCENT

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
03-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 14551 of 2015 (T)

APPENDIX

PETITIONER'S EXHIBITS : -

EXHIBIT P1 : TRUE PHOTOCOPY OF THE RESOLUTION NO.383 DATED 24/1/2014
OF THE FIRST RESPONDENT.

EXHIBIT P2 : TRUE PHOTOCOPY OF THE LETTER ISSUED BY SECOND
RESPONDENT TO THE FIRST RESPONDENT DATED 7/7/2014.

EXHIBIT P3 : TRUE PHOTOCOPY OF THE DETAILS OF THE SERVICE OF THE
PETITIONER IN THE FIRST RESPONDENT DATED NIL.

EXHIBIT P4 : TRUE PHOTOCOPY OF THE REPRESENTATION DATED 1/10/2014
FILED BEFORE THE SECOND RESPONDENT BY THE FIRST
RESPONDENT ALONG WITH RESOLUTION.

EXHIBIT P5 : TRUE PHOTOCOPY OF THE STATEMENT OF THE LIST OF
DOCUMENTS PRODUCED BY THE FIRST RESPONDENT BEFORE
THE SECOND RESPONDENT DATED 1/10/2014.

EXHIBIT P6 : TRUE PHOTOCOPY OF THE SENIORITY LIST OF THE EMPLOYEES
OF THE FIRST RESPONDENT DATED NIL.

EXHIBIT P7 : TRUE PHOTOCOPY OF THE LETTER ISSUED BY THE SECOND
RESPONDENT TO THE FIRST RESPONDENT DATED 22/1/2015.

RESPONDENTS' EXHIBITS : - NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 14551 of 2015

Dated this the 03rd day of June, 2015

JUDGMENT

Heard the learned counsel for the petitioner and the learned Government Pleader for the respondents, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. The petitioner, who initially joined the service as a Junior Clerk on 01.07.01982, got promoted in due course as Chief Accountant and later as Assistant Secretary, based on the exemption provided to him from possessing certain educational qualifications. Now, claiming that he is due to be promoted as Secretary, the petitioner has once again sought exemption from possessing the qualification of Graduation. Based on the resolution passed by the first

respondent, after curing the initial defects, when the petitioner submitted his application in Exhibit P4 along with the necessary documents, the second respondent, contends the petitioner, has so far not further forwarded the same to the third respondent. When the second respondent issued Exhibit P7 communication to the petitioner informing him that the resolution passed by the first respondent is barred by time and that he should produce a fresh resolution with seniority list, the petitioner has filed the present writ petition assailing, *inter alia*, Exhibit P7.

3. The learned counsel for the petitioner has strenuously contended that the question of any resolution getting barred by time does not arise. He has also contended that in terms of Rule 185 (8) (g) of the Co-operative Societies Rules, the petitioner is eminently entitled to be considered for exemption of educational qualification.

4. The learned Government Pleader, on the other hand, submits that notwithstanding Exhibit P7, the second respondent has already forwarded the petitioner's application to the third respondent, who, according to the

learned Government Pleader, is all set to take a decision on the petitioner's representation in due course.

5. In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioner and the learned Government Pleader for the respondents, this Court, without advertting to the merits of the matter, disposes of the present writ petition with a direction to the third respondent to consider petitioner's Exhibit P4 representation in accordance with law, and pass appropriate orders thereon, as expeditiously as possible, at any rate, within a period of four months from the date of receipt of a copy of this judgment.

With the above observations, this writ petition is disposed of. No order as to costs.

**DAMA SESHADRI NAIDU
JUDGE**

DMR/-

The words "third respondent" occurring in the 4th line of paragraph No.4 and in the 6th line of paragraph No.5 of this

judgment are corrected as "fourth respondent", vide order dated 18.06.2015 in I.A. No. 7915/2015 in W.P. (C) No. 14551/2015.

Sd/-
Registrar (Judicial)