

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 18TH DAY OF NOVEMBER 2015/27TH KARTHIKA, 1937

WP(C).No. 18614 of 2015 (B)

PETITIONER : -

THE ALAKODE SERVICE CO-OPERATIVE BANK LTD. No.C. 239,
ALAKODE P.O. - 670 571, KANNUR DISTRICT,
REPRESENTED BY ITS SECRETARY.

BY ADVS.SRI.M.SASINDRAN
SRI.V.VENUGOPAL

RESPONDENTS : -

1. STATE OF KERALA, REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF CO-OPERATION, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
2. THE REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL),
THIRUVANANTHAPURAM - 695 001.
3. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL),
KANNUR - 670 001.
4. THE KERALA CO-OPERATIVE EXAMINATION BOARD,
THIRUVANANTHAPURAM -695 001,
REPRESENTED BY ITS SECRETARY.

R4 BY ADV.SMT.RASHMI. K.V., SC, CO.OP. SERVICE EXAMINATION
BOARD
R1-R3 BY GOVERNMENT PLEADER SRI. G. GOPAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
18-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS : -

EXHIBIT-P1 : TRUE COPY OF THE ORDER DATED 06/11/2009 ISSUED BY THE
JOINT REGISTRAR.

EXHIBIT-P1(a) : TRUE ENGLISH TRANSLATION OF EXHIBIT-P1.

EXHIBIT-P2 : LIST SHOWING THE PRESENT STAFF STRENGTH OF THE SOCIETY.

EXHIBIT-P3 : TRUE COPY OF THE RANK LIST FOR APPOINTMENT TO THE POST
OF JUNIOR CLERK IN THE BANK.

EXHIBIT-P4 : TRUE COPY OF THE S.R.O 9/2010 DATED 04/01/2010.

EXHIBIT-P5 : TRUE COPY OF THE RELEVANT EXTRACTS FROM THE CIRCULAR
NO. 32/2013.

EXHIBIT-P5(a) : TRUE ENGLISH TRANSLATION OF EXHIBIT-P5.

EXHIBIT-P6 : TRUE COPY OF THE PROFORMA SUBMITTED BY THE SOCIETY,
FOR CLASSIFICATION.

EXHIBIT-P6(a) : TRUE ENGLISH TRANSLATION OF EXHIBIT-P6.

EXHIBIT-P7 : TRUE COPY OF THE REQUEST SUBMITTED BY THE PETITIONER
BEFORE THE 3RD RESPONDENT.

EXHIBIT-P7(a) : TRUE ENGLISH TRANSLATION OF EXHIBIT-P7.

EXHIBIT-P8 : TRUE COPY OF THE ORDER NO. 8584/13/CRP/K.DIS DATED
24/12/2013.

EXHIBIT-P8(a) : TRUE ENGLISH TRANSLATION OF EXHIBIT-P8.

EXHIBIT-P9 : TRUE COPY OF THE ORDER DATED 23/12/2014 ISSUED BY THE 3RD
RESPONDENT.

EXHIBIT-P9(a) : TRUE ENGLISH TRANSLATION OF EXHIBIT-P9.

EXHIBIT-P10 : TRUE COPY OF THE TRADING ACCOUNT FOR 31/03/2015 ALONG
WITH THE PROFIT AND LOSS ACCOUNT BALANCE SHEET.

EXHIBIT-P11 : TRUE COPY OF THE COMMUNICATION DATED 20/05/2015 ISSUED
BY THE 4TH RESPONDENT.

EXHIBIT-P11(a) : TRUE ENGLISH TRANSLATION OF EXHIBIT-P11.

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EXHIBIT P12 : COPY OF THE RELEVANT EXTRACT FROM THE AUDIT REPORT
OF THE YEAR 2008-2009.

EXHIBIT P12(a) : TRUE ENGLISH TRANSLATION OF EXHIBIT P12.

EXHIBIT P13 : COPY OF THE RELEVANT EXTRACT FROM THE AUDIT REPORT
OF THE YEAR 2011-2012.

EXHIBIT P13(a) : TRUE ENGLISH TRANSLATION OF EXHIBIT P13.

EXHIBIT P14 : COPY OF THE G.O. (Rt) No. 350/2014/CO-OP DATED 19.6.2014.

RESPONDENTS' EXHIBITS : - NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 18614 of 2015

Dated this the 18th day of November, 2015

JUDGMENT

The petitioner, a primary Co-operative Society, all along is said to have been enjoying Class I status since 1982. In the course of time, the third respondent issued Exhibit P8, reclassifying the petitioner Society as Class II. Aggrieved, the petitioner society has filed the present writ petition.

2. The learned counsel for the petitioner has submitted that the third respondent has downgraded the society essentially under a misconception that the profit should be net profit. As is evident from Exhibit P14, it should be gross profit rather than net profit.

3. The learned counsel has, nevertheless, submitted that as a matter of further development, the society has taken up its performance and has been earning profits deserving restoration of its original status : Class I. He has submitted that it will suffice if the writ petition is disposed of with a direction to the third respondent to reconsider petitioner's claim in the light of its improved performance.

4. The learned Government Pleader has, however, submitted that if the petitioner society files an appropriate application in that regard, the third respondent will consider it.

In the facts and circumstances, having regard to the submissions of the learned counsel for the petitioner and the learned Standing Counsel for the respondent, as well as the learned Government Pleader, this Court, without adverting to the merits of the matter, disposes of the present writ petition leaving it open for the petitioner society to file an appropriate application before the third respondent seeking reclassification on grounds of its supposed improved performance. Needless to observe that, if such an application is filed, the third respondent shall consider it in accordance with law as expeditiously as possible.

No order as to costs.

DAMA SESHADRI NAIDU
JUDGE

DMR/-