

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

**THURSDAY, THE 25TH DAY OF JUNE 2015/4TH ASHADHA, 1937**

**WP(C).No. 23670 of 2012 (G)**  
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**PETITIONER(S):**  
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1. **SINDHU K.M., PEON**  
**THRIKKOVILVATTOM PANCHAYAT SERVICE**  
**CO-OPERATIVE BANK LTD.NO.-Q 78**  
**MUKHATHALA P.O., KOLLAM-691 577**  
**RESIDING AT MODERN BUNGALOW, KUREEPPALLI**  
**KANNANELLOOR P.O., KOLLAM-691 576.**
2. **SHEREENA S., PEON**  
**THRIKKOVILVATTOM PANCHAYAT SERVICE**  
**CO-OPERATIVE BANK LTD.NO.-Q 78**  
**MUKHATHALA P.O., KOLLAM-691 577**  
**RESIDING AT MUKALUVILA VEEDU, CHENTHAPUR**  
**DECENT JUNCTION P.O., KOLLAM-691 577.**
3. **G.ASHOKAN**  
**NIGHT WATCHMAN**  
**THRIKKOVILVATTOM PANCHAYAT SERVICE**  
**CO-OPERATIVE BANK LTD.NO.-Q 78**  
**MUKHATHALA P.O., KOLLAM-691 577**  
**RESIDING AT THAMARAKUZHI VEEDU, KURUMANNU**  
**MUKHATHALA P.O., KOLLAM-691 577.**

**BY ADV. SRI.K.S.MANU (PUNUKKONNOOR)**

**RESPONDENT(S):**  
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1. **THE STATE OF KERALA**  
**REPRESENTED BY ITS SECRETARY TO THE CO-OPERATIVE DEPARTMENT**  
**SECRETARIAT, FORT P.O., THIRUVANANTHAPURAM-695 023.**
2. **THE REGISTRAR OF CO-OPERATIVE SOCIETIES**  
**OFFICE OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES**  
**FORT P.O., THIRUVANANTHAPURAM-695 023.**

3. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL)  
OFFICE OF THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES  
CIVIL STATION P.O., KOLLAM-691 013.
4. THE THRIKKOVILVATTOM PANCHAYAT  
SERVICE CO-OPERATIVE BANK LTD.NO.Q 78  
REPRESENTED BY ITS SECRETARY, MUKHATHALA P.O.  
KOLLAM-691 577.
5. B.VIJAYAKUMAR  
THODIYIL PADINJATTATHIL, THRIKKOVILVATTOM  
MUKHATHALA P.O., KOLLAM-691 577.
6. MANOJ R.K.  
THODIYIL MELATHIL, THRIKKOVILVATTOM, MUKHATHALA P.O.  
KOLLAM-691 577.
7. JAYADEV S.  
PUSHPAMANGALAM, DECENT JUNCTION P.O., MUKHATHALA  
KOLLAM-691 577.
8. AJITHAKUMARI  
VALIYAVILA VEEDU, KIZHAVOOR, MUKHATHALA P.O.  
KOLLAM-691 577.
9. JINADEV S.  
PUSHPAMANGALAM, DECENT JUNCTION P.O., MUKHATHALA  
KOLLAM-691 577.
10. AJAYAKUMAR S.  
CHARUVILA VEEDU, PANKONAM, MUKHATHALA P.O.  
KOLLAM-691 577.

R1-3 BY GOVERNMENT PLEADER MR.MOHAMMED SAVAD  
R4 BY ADV. SRI.B.SURESH KUMAR  
R5,R8 & 10 BY ADV. SRI.SHABU SREEDHARAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
25-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

VS

**WP(C).No. 23670 of 2012 (G)**  
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**APPENDIX**

**PETITIONER(S)' EXHIBITS :**  
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- EXT.P1 : A TRUE COPY OF THE COUNTER AFFIDAVIT DATED 16.9.2007  
FILED BY THE SOCIETY.**
- EXT.P2 : A TRUE COPY OF THE COUNTER AFFIDAVIT DATED 30.5.2012  
FILED BY THE PETITIONERS AND THE 2 OTHERS**
- EXT.P3 : A TRUE COPY OF THE JUDGMENT DATED 31-5-2012 IN  
W.P.C.NO.2942/2007 PASSED BY THIS HONOURABLE COURT.**
- EXT.P4 : A TRUE COPY OF THE REPRESENTATION DATED 18.6.2012  
SUBMITTED BY THE PETITIONERS AND 2 OTHERS BEFORE  
THE 3RD RESPONDENT.**
- EXT.P5 : A TRUE COPY OF THE ORDER DATED 28.9.2012 PASSED BY  
THE 3RD RESPONDENT.,**
- EXT.P6 : A TRUE COPY OF THE NOTIFICATION WHICH WAS PUBLISHED  
IN THE MATRHUBHUMI DAILY DATED 26.8.2005**

**RESPONDENT(S)' EXHIBITS :**  
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**NIL**

**/TRUE COPY/**

**PA TO JUDGE**

**VS**

**A.M.SHAFFIQUE, J**

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**W.P.(C).Nos.23670 & 24144 of 2012**  
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Dated this the 25<sup>th</sup> day of June, 2015

**JUDGMENT**

Since common issues arise for consideration in the above writ petitions, those are heard and decided together.

2. Petitioners are the persons, who have been appointed either in the post of Peon or night watchman in the 4<sup>th</sup> respondent, Thrikkovilvattom Panchayat Service Co-operative Bank Ltd. They were all appointed pursuant to a selection list prepared pursuant to a notification dated 23.8.2005. There were 65 applications and after conducting the selection process, the petitioners were appointed. In the meantime, certain persons, who were not eligible to be appointed in terms of the rank list, had approached this Court, challenging the selection list. This Court had directed the Joint Registrar to consider whether the selection process was in accordance with the procedure and to arrive at a finding. Joint Registrar after

conducting an enquiry, set aside the appointments mainly on two grounds. One is that, as per the Rules, the Bank was liable to publish the notification in two Malayalam dailies. According to the Joint Registrar, it was published only in Deshabhimani daily and no other publication had been made. Secondly, there were only 3 vacancies, against which the Bank had appointed 5 persons from the select list.

3. It is impugning in the aforesaid decision of the Joint Registrar, that these writ petitions have been filed.

4. It is submitted by the petitioners that they have been employed for the last more than 8 years. Further, publication was made in Mathrubhumi daily also, which could not be brought to the notice of the Joint Registrar, at the relevant time. The said daily is produced before this Court as Ext.P7 in W.P.C.No.24144/2012. It is therefore apparent that the requirement of the Rules for publication of the notification had been complied with.

5. The next issue is only with reference to the

appointment of 5 persons over and above the notified vacancies of 3 posts to be filled up. It is brought to the notice of this Court that during the time when the notification was published, the Bank was only a Class III society, which was later changed to Class II. For that reason itself, more appointments could have been made by the society. At the time when the appointments were made, it was already categorized as a Class II society and therefore the appointment made by the society was well justified.

6. Having heard the learned counsel appearing for the petitioner as well as the learned Standing Counsel for the Bank and the learned Government Pleader. I am of the view that there is no valid reason for the Joint Registrar to set aside the selection process. It is pointed out that the Resolution Nos.7, 8 and 12 passed by the society has never been set aside by the Joint Registrar. Resolutions stands as it is. The society had taken a conscious decision to appoint 5 persons as there were available vacancies during the relevant time for

appointment. Further, the petitioners had been working in the aforesaid society for the last 8 years and I do not think that sufficient reason had been stated by the Joint Registrar to set aside their appointments.

Hence these writ petitions are allowed, the order passed by the Joint Registrar as Ext.P8 in W.P.C.No.24144/2012 and Ext.P5 in W.P.C.No.23670/2012 are set aside.

Sd/-  
**A.M.SHAFFIQUE**  
**JUDGE**

VS