

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

TUESDAY, THE 27TH DAY OF OCTOBER 2015/5TH KARTHIKA, 1937

WP(C).No. 21289 of 2015 (I)

PETITIONER:

ABHILASH KUMAR K,
ATTOOR PADINJATTATHIL, ASRAMAM, ASRAMAM P.O.,
KOLLAM-691 002.

BY ADVS.SRI.DIPU.R
SRI.SANAL P.RAJ
SRI.K.S.BAIJU

RESPONDENTS:

1. KERALA PUBLIC SERVICE COMMISSION,
BY AND THROUGH ITS SECRETARY, PATTAM PALACE P.O.,
THIRUVANANTHAPURAM-695 004.
2. THE KERALA STATE CO-OPERATIVE BANK LTD.,
BY AND THROUGH ITS CHIEF GENERAL MANAGER,
P.B.NO.6515, COBANK TOWER, PALAYAM,
THIRUVANANTHAPURAM-695 033.
3. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF CO-OPERATION, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.

R1 BY ADV. SRI.P.C.SASIDHARAN, SC, KPSC
R BY SRI. K.C. VINCENT, SR. GOVERNMENT PLEADER
R BY SRI.GEORGE POONTHOTTAM, SC, KERALA STATE CO.OP BANK

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
27-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

EXHIBIT P1: TRUE COPY OF THE NOTIFICATION OF CATEGORY NO.6/2011.

EXHIBIT P2: TRUE COPY OF THE NOTIFICATION NO.PL.NO.28/ER 11A.

EXHIBIT P3: TRUE COPY OF THE NOTIFICATION NO.ERIIA(2)6265/13/EW DATED 10.3.2014.

EXHIBIT P4: TRUE COPY OF THE JUDGMENT DATED 7.4.2014 IN WPC NO.9615/2014.

EXHIBIT P5: TRUE COPY OF THE JUDGMENT IN R.P.NO.288/2013, DATED 26.8.2014.

EXHIBIT P6: TRUE COPY OF JUDGMENT DATED 12.1.2015 IN WPC NO.878/2015.

EXHIBIT P7: TRUE COPY OF ORDER NO.CS(2)15919/2010 DATED 25.3.2015.

EXHIBIT P8: TRUE COPY OF THE ORDER NO.A.S.(C.O)91/2013 DATED 18.4.2013.

EXHIBIT P8A: TRUE ENGLISH TRANSLATION OF EXT.P8.

EXHIBIT P9: TRUE COPY OF THE RECRUITMENT RULES OF THE 2ND RESPONDENT.

EXHIBIT P10: TRUE COPY OF THE GAZETTE NOTIFICATION DATED 13.6.2014.

EXHIBIT P11: TRUE COPY OF THE REPRESENTATION DATED 23.2.2015.

EXHIBIT P11A: TRUE COPY OF THE TRUE ENGLISH TRANSLATION OF EXT.P11,.

EXHIBIT P12: TRUE COPY OF THE REPRESENTATION DATED 2.5.2015 SUBMITTED BY THE PETITIONER.

RESPONDENTS' EXHIBITS: NIL

/True Copy/

P.A to Judge.

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 21289 of 2015 (I)

Dated this the 27th day of October, 2015.

JUDGMENT

Heard the learned counsel for the petitioner, the learned Government Pleader, the learned Standing Counsel for the Kerala Public Service Commission and the learned counsel for the respondent Bank, apart from perusing the record.

2. The petitioner having questioned Ext.P10 recruitment notification issued by the Kerala Public Service Commission—in fact, in the third round of litigation —eventually confines his relief to the extent that the recruitment agency and the prospective employer shall strictly adhere to Ext.P9 Recruitment Rules of the Kerala State Co-operative Bank Ltd., and KCS Rules.

3. The learned counsel for the second respondent has, however, submitted that Ext.P10 notification does not concern the Kerala State Co-operative Bank; on the contrary, it is related to the Kerala State Handloom Weaver's Co-operative Ltd. According to him, unless the Kerala State Handloom Weaver's Co-operative Ltd. is made a party, the question of considering the relief sought by the

petitioner does not arise.

4. In reply, the learned counsel for the petitioner has submitted that the petitioner intends to secure a job as and when there is a notification from the Kerala State Co-operative Bank Ltd. As such, seeking a direction to the Kerala State Handloom Weaver's Co-operative Ltd. does not serve any purpose.

5. Be that as it may, in the first place, the petitioner has challenged Ext.P10 recruitment notification issued by the PSC at the behest of the Kerala State Handloom Weaver's Co-operative Ltd. If the petitioner does not intend to apply in response to Ext.P10, especially in the absence of the prospective employer as a party, it is not possible to effectively dispose of the present writ petition. Thus, there is force in the contention of the learned counsel for the second respondent.

6. At any rate, it is the fervent plea of the learned counsel for the petitioner that his right may be preserved so that he can approach this Court, if necessary, once there is any notification by the Kerala State Co-operative Bank Ltd., the second respondent.

7. Indeed, if at all, the petitioner has any cause of action, this

Court need not expressly confer any privilege on the petitioner to enable him to approach the Court. It is always open for him to assail any illegality in any recruitment process, once he is a beneficiary.

With the above observation, this Court closes the writ petition.
No order as to costs.

sd/- DAMA SESHADRI NAIDU, JUDGE.

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