

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 19TH DAY OF AUGUST 2015/28TH SRAVANA, 1937

WP(C).No. 22872 of 2015 (H)

PETITIONER : -

VIJEESH T.K,
THURUTHUMMEL HOUSE,
CHERIYAPALLAMTHURUTHU,
NORTH PARUR, ERNAKULAM DISTRICT.

BY ADVS.SRI.V.G.ARUN
SRI.T.R.HARIKUMAR

RESPONDENTS : -

1. THE KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY ITS SECRETARY, PATTON.P.O.,
THIRUVANANTHAPURAM-695 004.
2. THE DISTRICT OFFICER,
KERALA PUBLIC SERVICE COMMISSION,
ERNAKULAM-682 011.
3. THE DISTRICT CO-OPERATIVE BANK,
ERNAKULAM, REPRESENTED BY ITS GENERAL MANAGER,
HEAD OFFICE, KAKKANAD, ERNAKULAM-682 030.

BY SRI.P.C.SASIDHARAN, SC, KPSC
BY SMT.I.SHEELA DEVI, SC, ERNAKULAM DIST.CO.OP.BANK LTD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
19-08-2015. THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS : -

EXHIBIT P1 : TRUE COPY OF THE GAZETTE NOTIFICATION DATED 30.04.2011 IN CATEGORY NO.64/2011, DOWNLOADED FROM THE OFFICIAL WEBSITE OF THE 1ST RESPONDENT.

EXHIBIT P2 : TRUE COPY OF THE RANKED LIST TO THE POST OF DRIVER BY TRANSFER RECRUITMENT IN THE 3RD RESPONDENT BANK, DOWNLOADED FROM THE OFFICIAL WEBSITE OF THE 1ST RESPONDENT.

EXHIBIT P3 : TRUE COPY OF THE RANKED LIST TO THE POST OF DRIVER BY DIRECT RECRUITMENT IN THE 3RD RESPONDENT BANK, DOWNLOADED FROM THE OFFICIAL WEBSITE OF THE 1ST RESPONDENT.

EXHIBIT P4 : TRUE COPY OF THE REQUEST SUBMITTED BY THE PETITIONER BEFORE THE CHAIRMAN OF THE 1ST RESPONDENT DATED 22.06.2015.

EXHIBIT P5 : TRUE COPY OF THE REPLY ISSUED BY THE 2ND RESPONDENT DATED 20.07.2015.

EXHIBIT P6 : TRUE COPY OF THE RELEVANT PAGE OF THE WP[C] NO.11517 OF 2015.

EXHIBIT P7 : TRUE COPY OF THE INTERIM ORDER DATED 05.05.2015 IN WP[C] NO.11517 OF 2015.

RESPONDENTS' EXHIBITS : - NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 22872 of 2015

Dated this the 19th day of August, 2015

JUDGMENT

The petitioner, presently working in the Chennamangalam Handloom Industrial Co-operative Society, in response to the notification issued by the first respondent, applied for the post of Driver in the third respondent Bank, under the 50% quota of in-service candidates. He emerged as the only successful candidate in the rank list.

2. When there was inordinate delay in getting the advice from the first respondent, the petitioner made enquiries with the third respondent Bank and came to know that the first respondent could not issue the advice in view of Exhibit P7 interim direction, dated 05.05.2015, issued in W.P. (C) No.11517/2015. Asserting that Exhibit P7 interim direction does not come in the way of the petitioner getting the advice from the first respondent, the petitioner has filed the present writ petition.

3. The learned counsel for the petitioner has submitted that in terms of Rules 186 and 187 of the Kerala Co-operative Societies Rules, (the 'Rules' for brevity), for recruitment into Apex and District Banks, the source of recruitment is two fold: Open Category and In-service Candidate from the member societies. According to him, the petitioner in W.P. (C) No.11517/2015 assailed the rank list under Part I, i.e. Open Category, which is different and distinct. It is also the specific contention of the learned counsel that the petitioner's name is reflected in a separate rank list, which has not at all fallen for consideration, much less challenged, in W.P. (C) No.11517/2015.

4. The learned Standing Counsel for the first respondent has strenuously opposed the claims and contentions of the petitioner. He has submitted that though the first respondent has every intention to issue the advice to the petitioner, it is bound to honour the interim direction of this Court. The learned counsel for the petitioner in W.P. (C) No.11517/2015, which writ petition has been listed along with the present writ petition, though the petitioner therein is not a party to the present lis, has submitted that so long

as it does not affect the interest of the petitioner in the said writ petition, the first respondent's giving advice to the petitioner is of not much consequence.

5. Indeed, there is sufficient strength in the submission of the learned counsel for the petitioner that the rank list in which the petitioner's name has been reflected is different and distinct from the one that has been challenged in W.P. (C) No.11517/2015. It is further pertinent to observe that Exhibit P7 interim order at its foot also makes a mention of the list that has been stayed, namely Exhibit P4. It is not in dispute that Exhibit P4 rank list in W.P. (C) No.11517/2015 does not pertain to the in-service candidates; on the other hand, it is related to the candidates from the Open Category. It is further not in dispute that insofar as part II rank list is concerned, i.e. Exhibit P2, only the petitioner has emerged successful and there cannot be any rival claim from any other part.

In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioner and the learned Standing Counsel for the respondents, this writ petition is allowed directing the first

and second respondents to issue advice memo to the petitioner for his appointment to the post of Driver in the third respondent Bank, subject to all other statutory parameters. No order as to costs.

**DAMA SESHADRI NAIDU
JUDGE**

DMR/-