

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

W.P.(C).No. 23462 of 2014 (G)

PETITIONER :

**AVANEESWARAM SERVICE CO-OPERATIVE BANK LTD NO.1847,
KUNNICODE P.O., KOLLAM DISTRICT
REPRESENTED BY ITS SECRETARY,
VIJAYAKUMARI, W/O.SREEKUMAR. AGED 48 YEARS.**

**BY ADVS.SRI.RENJITH THAMPAN (SR.)
SMT.P.R.REENA**

RESPONDENTS :

- 1. JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES, (GENERAL),
KOLLAM, PIN - 691 001.**
- 2. CO-OPERATIVE SERVICE EXAMINATION BOARD,
REPRESENTED BY ITS SECRETARY
O/O CO-OPERATIVE SERVICE EXAMINATION BOARD
THIRUVANANTHAPURAM, PIN - 695 001.**

**R1 BY ADV. GOVERNMENT PLEADER SRI.T.R.RAJESH
R2 BY ADV. SMT.K.V.RESHMI, SC, CO.OP. SERVICE EXAMINATION**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
15-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

VS

WP(C).No. 23462 of 2014 (G)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1:** COPY OF THE PROCEEDINGS DATED 6.12.2013 OF THE
1ST RESPONDENT.
- EXTP2:** COPY OF THE LETTER NO.EM(2)27772/13 DATED 17.07.2013
ISSUED BY THE REGISTRAR OF CO-OPERATIVE SOCIETIES.
- EXTP3:** COPY OF THE LETTER NO.EM(2)27863/13 DATED 17.07.2013 OF
THE REGISTRAR OF CO-OPERATIVE SOCIETIES.
- EXTP4:** COPY OF THE LETTER DATED 26.08.2014 OF THE
RESPONDENT TO THE SOCIETY.

RESPONDENT(S)' EXHIBITS

- EXT.R1(a) :** A TRUE PHOTOSTAT COPY OF THE FEEDER CATEGORY
SUB RULES OF THE PETITIONER SOCIETY.

/TRUE COPY/

PA TO JUDGE

VS

V.CHITAMBARESH, J

W.P.(C) No.23462 of 2014

Dated this the 15th day of January, 2015

JUDGMENT

Ext.P4 interim order passed on a complaint dated 8.8.2014 by one Salim is impugned in this writ petition. Ext.P4 interim order interdicts the petitioner society from proceeding further in the appointment of a Data Entry Operator. It appears that the complaint proceeds on the footing that only the Co-operative Service Examination Board can advice candidates to the post of Data Entry Operator. This is on the basis of Section 80B of the Kerala Co-operative Societies Act, 1969.

2. The petitioner contends that only the post 'of and above' the category of Junior Clerks need be filled up by the Co-operative Service Examination Board. It is the case of the petitioner that the post of Data Entry Operator is below the category of Junior Clerks. Reliance is also placed on Appendix 3 framed under Section 180 of the Kerala Co-operative Societies Act.

3. Whether the post of Data Entry Operator is in the same category of Junior Clerks or below is a matter for evidence. This has to be adjudicated with reference to the factual backdrop and also the statutory provisions. More over the complainant by name Salim has not been impleaded in this writ petition. The first respondent is well empowered to pass final orders under Section 66A of the Kerala Co-operative Societies Act.

4. I direct the first respondent to pass final orders on the complaint of the said Salim with notice to him and also the petitioner. Final orders in this regard shall be passed within a period of two months from today. Further proceedings for appointing a Data Entry Operator in the petitioner Bank shall continue thereafter.

The writ petition is disposed of.

Sd/-
V.CHITAMBARESH
JUDGE

/TRUE COPY/

PA TO JUDGE

VS