

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

MONDAY, THE 12TH DAY OF JANUARY 2015/22ND POUSHA, 1936

WP(C).No. 28458 of 2012 (F)

PETITIONER(S):

SIVAPRASAD.P., AGED 40 YEARS,
SREESADHAN, PALLIARAKKAVU ROAD, KOCHI-682002.

BY ADV. SRI.P.P.JACOB

RESPONDENT(S):

1. MATTANCHERRY MAHAJANIK CO-OPERATIVE URBAN BANK
LTD.NO.665, KOCHI-682002
REPRESENTED BY ITS GENERAL MANGER.
2. MANAGING COMMITTEE OF THE MATTANCHERRY MAHAJANIK
CO-OPERATIVE URBAN BANK LTD.NO.665,
KOCHI-682002, REPRESENTED BY ITS PRESIDENT/CHAIRMAN.
3. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (G)
ERNAKULAM OFFICE OF THE JOINT REGISTRAR
OF CO-OPERATIVE SOCIETIES (G)
ERNAKULAM, PIN-682016.
4. STATE CO-OPERATIVE SERVICE EXAMINATIONS BOARD
THIRUVANANTHAPURAM, PIN-695001
REPRESENTED BY ITS SECRETARY.

RR1 & 2 BY ADV. SRI.GEORGE POONTHOTTAM
R4 BY ADV. SRI.ANIL THOMAS, SC, CO.OP. SERVICE EXAMINATION BOARD
R4 BY ADV. SMT.RASHMI. K.V., SC, CO.OP. SERVICE EXAMINATION BOARD
R BY GOVERNMENT PLEADER T.R.RAJESH.
R BY SRI.ANIL THOMAS, SC, CO.OP. SERVICE EXAMINATION BO

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
12-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P. (C) NO.28458 OF 2012

PETITIONER(S) EXHIBITS

EXHIBIT P1: TRUE COPY OF THE NOTIFICATION DT.12-11-2012 ISSUED THROUGH
MALAYALA MANORAMA DAILY DT.14-11-12.

EXHIBIT P2: TRUE COPY OF THE APPROVED FEEDER CATEGORY RULES AS PER
ORDER DT.22-11-2001.

EXHIBIT P3: TRUE COPY OF THE LETTER ISSUED BY R4 TO T.BALAN DATED
19-7-2011.

EXHIBIT P4: TRUE COPY OF THE RELEVANT PORTION OF THE PAGES 1-7 OF THE
G.O.P NO.149/2010/CO-OP.DT.18-8-10.

RESPONDENTS' EXHIBITS : NIL.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.28458 of 2012

Dated this the 12th day of January, 2015

J U D G M E N T

Ext.P1 notification issued by the first respondent co-operative Bank inviting applications for appointment to the post of Gold Appraiser is impugned. The challenge is on the ground that only the Co-operative Service Examination Board can advice candidates for appointment to the post of Gold Appraiser after conducting a written examination. The petitioner who is a member of the first respondent Bank relies on Section 80B of the Kerala Co-operative Societies Act and also the classification of the Societies in Appendix III under Section 80 thereof.

2. whether the post of Gold Appraiser falls in the category of Junior Clerks in the first respondent Bank has to be adjudicated with reference to the provisions of the Act and the factual back drop. The approved staff pattern applicable to the Society in question has also to be considered in the light of the evidence let-in by the parties. It would be appropriate for the Registrar to consider the question if and when a motion is made in that regard under

Section 66A of the Act. The Registrar is well empowered to issue directions and guidelines to the first respondent Society to give effect to the provisions of the Act and the Government policies under Section 66A of the Act.

The writ Petition is disposed of permitting the petitioner to move the Registrar as indicated above within a period of one month from today. The parties shall maintain status quo till the Registrar considers the question if and when a motion is made within one month as directed above. Every endeavour shall be made by the Registrar to take the proceedings to a logical end in the circumstances.

V.CHITAMBARESH,
Judge.

nj.

W.P(C) No.28458 of 2012