

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 3RD DAY OF FEBRUARY 2015/14TH MAGHA, 1936

WP(C).No. 28499 of 2012 (J)

PETITIONER:

**SHAMNAS BAI R.
W/O. NAZEER S., AGED 37 YEARS
RESIDING AT H.NO. 6/840. VALIYAMALOTH PARAMBU
MATTANCHERY, KOCHI-2.**

**BY ADVS.SRI.M.R.HARIRAJ
SMT.VINEETHA B.
SRI.NIRMAL V NAIR
SRI.K.RAJAGOPAL
SMT.M.A.JINSA MOL**

RESPONDENTS:

- 1. PEOPLES URBAN CO-OPERATIVE BANK LTD NO.51
THRIPUNITHURA, ERNAKULAM-682301
REPRESENTED BY ITS GENERAL MANAGER.**
- 2. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES
ERNAKULAM**
- 3. THE REGISTRAR OF CO-OPERATIVE SOCIETIES
THIRUVANANTHAPURAM**
- 4. STATE OF KERALA
REPRESENTED BY ITS SECRETARY
DEPARTMENT OF CO-OPERATION, THIRUVANANTHAPURAM**
- 5. ROOPA MOL.K.R.
KALATHIPARAMBIL VEEDU, MANJARAKADU ROAD
NJARAKKAL.P.O., ERNAKULAM -682505.**
- 6. SANDHYA.P.R.
MANAYIDAPARAMBU HOUSE, THRIPUNITHURA, EROOR.P.O.
ERNAKULAM -682306.**

DCS

- 7. ASWATHY RAMAKRISHNAN
MELETH HOUSE, THEVER MADHOM, KALADY
PIRAROOR.P.O., ERNAKULAM -683574.**
- 8. KAMARBAN.A.A.
ANIKATTU HOUSE, KUTTUMASSERY, THOTTUMUGHAM.P.O.
ERNAKULAM -683105.**
- 9. MRUDULA.R.NAIR
REVATHY BHAVAN, KANHIRAMATTOM.P.O., ERNAKULAM -682315.**

*** ADDL. R10 IS IMPEADED**

- 10. CO-OPERATIVE SERVICE EXAMINATION BOARD
II FLOOR, CO-OPERATIVE BANK BUILDING
OVERBRIDGE JUNCTION
THIRUVANANTHAPURAM REPRESENTED BY ITS SECRETARY.**

***ADDL. R10 IS IMPEADED AS PER ORDER DATED 18/03/2014 IN IA
4073/2014.**

**R1 BY ADV. SRI.T.A.RAJAN, SC, PEOPLES URBAN CO-OP. BANK
R2, R3 & R4 BY GOVERNMENT PLEADER SRI. GIKKU JACOB
R5, R6 & R9 BY ADV. SRI.MARTIN G.THOTTAN
R7 BY ADVS. SRI.YASH THOMAS MANNULLY
SRI.K.V.GOPAKUMAR
R8 BY ADV. SRI.RILGIN V.GEORGE
R10 BY ADVS. SRI.ANIL THOMAS, SC, CO.OP. SERVICE EXAMINATION BOARD
SMT.RASHMI. K.V., SC, CO.OP. SERVICE EXAMINATION BOARD**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
03-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S) EXHIBITS :-

EXHIBIT P1- A TRUE COPY OF THE ELECTORAL ID CARD OF THE PETITIONER.

EXHIBIT P2- A TRUE COPY OF THE CERTIFICATE DATED 18-04-2011 ISSUED BY THE VILLAGE OFFICER.

EXHIBIT P3- THE TRUE COPY OF THE NON CREAMY LAYER CERTIFICATE ISSUED TO THE PETITIONER.

EXHIBIT P4- A TRUE COPY OF THE CALL LETTER DATED 19-03-2011.

EXHIBIT P5- A TRUE COPY OF THE ORDER DATED 19-04-2011 IN WPC 12482/2011 ON THE FILES OF THIS HONOURABLE COURT.

EXHIBIT P6- A TRUE COPY OF THE JUDGMENT DATED 15-11-2012 IN WPC 12482/2011 ON THE FILES OF THIS HONOURABLE COURT.

EXHIBIT P7- A TRUE COPY OF REPRESENTATION DATED 24-11-2012.

EXHIBIT P7A - COPY OF THE REQUEST DATED 29.11.2012 MADE BY THE PETITIONER UNDER THE RIGHT TO INFORMATION ACT

EXHIBIT P8- A TRUE COPY OF LETTER REF. NO. 611/2012-13 DATED 26.12.2012

EXHIBIT P9- A TRUE COPY OF THE REQUEST DATED 14.01.2013

EXHIBIT P10- A TRUE COPY OF THE LETTER NO. CSEB/76/2013 DATED 19.02.2013 ISSUED BY THE PUBLIC INFORMATION OFFICER, CO-OPERATIVE SERVICE EXAMINATING BOARD.

EXHIBIT P11- A TRUE COPY OF THE JUDGMENT DATED 2.6.2014 IN W.P.(C). NO. 4576/2014 OF THIS HONOURABLE COURT

RESPONDENT(S)' EXHIBITS:-

EXHIBIT R1(a)- A TRUE COPY OF THE INTERIM ORDER DATED 12.04.2011 IN W.P.(C). NO. 12055/2011 OF THIS HON'BLE COURT

EXHIBIT R5(a)- A TRUE COPY OF THE ORDER BEARING NO. 605/2012-13 DATED 03.12.2012

EXHIBIT R7(a)- A TRUE COPY OF THE APPOINTMENT ORDER DATED 30.11.2011 ISSUED BY IRE EMPLOYEES CO-OPERATIVE SOCIETY LTD.

EXHIBIT R7(b)- A TRUE COPY OF THE CERTIFICATE OF EMPLOYMENT DATED 01.03.2013 ISSUED BY IRE EMPLOYEES CO-OPERATIVE SOCIETY LTD.

EXHIBIT R7(c)- A TRUE COPY OF THE RELIEVING ORDER DATED 28.02.2013 ISSUED BY IRE EMPLOYEES CO-OPERATIVE SOCIETY LTD.

/TRUE COPY/

DCS

P.A. TO JUDGE

V. CHITAMBARESH, J

W.P.(C). NO. 28499 OF 2012

Dated this the 3rd day of February, 2015

JUDGMENT

The issue is covered by Ext. P11 common judgment in W.P.(C). No. 4576/2014 and connected cases. There is therefore no reason to deny the grace marks to the petitioner under Rule 182(4)(iv A) of the Kerala Co-operative Societies Rules, 1969. The husband of the petitioner is admittedly a native of the place to which the area of operation of the first respondent bank extends.

2. One post of Junior Clerk/Junior Cashier/Appraiser was directed to be kept vacant by interim order dated 30.11.2012 in this writ petition. The petitioner can as well be accommodated in that post especially since the validity of the rank list has now expired. There is no other competing claim by any other candidates as revealed from the arguments.

3. The writ petition is hence disposed of directing the first respondent to accommodate the petitioner in the post afore described after granting her grace marks in accordance with the Rule aforesaid. The needful shall be done within a period of one month from the date of production of a copy of

this judgment. This shall be done without disturbing respondents 5 to 9 who have already secured appointment in the first respondent bank.

**V. CHITAMBARESH
JUDGE**

DCS