

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 2ND DAY OF SEPTEMBER 2015/11TH BHADRA, 1937

WP(C).No. 25426 of 2015 (C)

PETITIONER:

AVANEESWARAM SERVICE CO-OP.BANK LIMITED
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. STATE OF KERALA REPRESENTED BY SECRETARY,
DEPARTMENT OF CO-OPERATION, SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695 001.
2. JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL),
KOLLAM, PIN - 691 001.

BY SR.GOVERNMENT PLEADER SRI.K.C.VINCENT

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
02-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WP(C).No. 25426 of 2015 (C)

PETITIONER'S EXHIBITS:

EXHIBIT P1. TRUE COPY OF THE LETTER DATED 17.07.2013 ISSUED BY THE REGISTRAR ALONG WITH ENGLISH TRANSLATION.

EXHIBIT P2. TRUE COPY OF THE LETTER DATED 17.07.2013 OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES ALONG WITH ENGLISH TRANSLATION.

EXHIBIT P3. TRUE COPY OF JUDGMENT IN WP(C)NO.23462/2014 DATED 15.01.2015.

EXHIBIT P4. TRUE COPY OF THE REPRESENTATION DATED 11.02.2015 FILED BY THE PETITIONER.

EXHIBIT P5. TRUE COPY OF THE ORDER DATED 06.03.2015 OF THE 2ND RESPONDENT ALONG WITH ENGLISH TRANSLATION.

EXHIBIT P6. TRUE COPY OF THE ORDER G.O.(RT)NO.145/2007 DATED 23.02.2007.

EXHIBIT P7. TRUE COPY OF THE LETTER OF THE EXAMINATION BOARD TO THE GENERAL MANAGER KODUNGALLUR TOWN CO-OPERATIVE BANK.

EXHIBIT P8. TRUE COPY OF THE RELEVANT PORTION OF APPENDIX III OF THE KERALA CO-OPERATIVE SOCIETIES RULES.

EXHIBIT P9. TRUE COPY OF THE JUDGMENT IN WRIT PETITION NO.11663/2015 DATED 08.04.2015.

EXHIBIT P10. TRUE COPY OF APPEAL DATED 20.04.2015 FILED BY THE PETITIONER SOCIETY WITHOUT THE ANNEXURES.

RESPONDENT'S EXHIBITS: NIL.

/TRUE COPY/

P.S. TO JUDGE

Dama Seshadri Naidu, J.

W.P.(C)No.25426 of 2015 C

Dated this the 2nd day of September, 2015

JUDGMENT

Heard the learned counsel for the petitioner and the learned Government Pleader for the respondents, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. Briefly stated, the petitioner, a Class I Service Co-operative Bank, initially intended to fill up the posts of Data Entry Operator and Night Watchman, for which purpose it also issued the necessary notification. The second respondent, however, through a letter dated 26.08.2014, interdicted the selection process initiated by the petitioner Bank. Aggrieved, the petitioner filed W.P.(C) No.23462/2014 and invited Exhibit P3 judgment, through

which this Court directed the second respondent to consider the petitioner's Exhibit P4 representation.

3. In compliance with Exhibit P3 judgment of this Court when the second respondent passed Exhibit P5 order, the petitioner, once again aggrieved, filed W.P.(C)No. 11663/2015, which this Court has disposed of through Exhibit P9 judgment. In fact, this Court, having found that the petitioner has an efficacious alternative remedy, directed the petitioner to file a statutory appeal, if at all it desired. Under these circumstances, the petitioner has filed Exhibit P10 appeal before the first respondent. Seeking its expeditious disposal, the petitioner Bank has filed the present writ petition.

4. In response to the submissions made by the learned Senior Counsel for the petitioner, the learned Government Pleader has submitted that the first respondent has been taking all steps to dispose of the statutory appeal

as expeditiously as possible. He has further submitted that the appellate authority has already directed the second respondent to file a 'factual report' before it.

In the facts and circumstances, having regard to the respective submissions of the learned Senior Counsel for the petitioner and the learned Government Pleader, this Court, without expressing any opinion on the merits of the matter, disposes of the writ petition with a direction to the first respondent to consider Exhibit P10 statutory appeal filed by the petitioner in accordance with law and pass appropriate orders thereon, as expeditiously as possible, at any rate, within a period of three months from the date of receipt of a copy of this judgment.

Dama Seshadri Naidu, Judge

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