

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

TUESDAY, THE 3RD DAY OF MARCH 2015/12TH PHALGUNA, 1936

WP(C).No. 30451 of 2009 (B)

PETITIONERS:

1. JAYACHANDRAN.C., NADAYIL PADINJATTETHIL
HOUSE, VADAKKEDATHUKAVU P.O., ADOOR,
PATHANAMTHITTA DIST. 691 529.
2. D.C. VENUGOPAL, CHELIKKUZH
PUTHENVEEDU, PUTHUSSERI BHAGOM,
VAYALA P.O., ADOOR.

BY ADV. SRI. UNNI. K.K. (EZHUMATTOOR)

RESPONDENTS:

1. JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL), PATHANAMTHITTA.
2. ASST. REGISTRAR OF CO-OPERATIVE SOCIETIES,
OFFICE OF THE ASST. REGISTRAR, ADOOR.
3. THE ERATHU SERVICE CO-OPERATIVE
BANK LTD., NO. 2781, CHOORAKODEL P.O.,
MANAKKALA, ADOOR, PATHANAMTHITTA DIST. 691 551.
REPRESENTED BY SECRETARY.
4. THE MANAGING COMMITTEE, THE ERATHU
SERVICE CO-OPERATIVE, BANK LTD., NO. 2781
CHOORAKODEL P.O., MANAKKALA, ADOOR,
PATHANAMTHITTA DIST. 691 551.
REPRESENTED BY PRESIDENT.

R4 BY ADV. SRI. P.N. MOHANAN
BY GOVERNMENT PLEADER SRI. GIKKU JACOB

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

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : TRUE COPIES OF THE NOTIFICATIONS DATED 15.10.2009 IN DEEPIKA AND MADHYAMAM DAILIES
- EXHIBIT P2 : TRUE COPY OF THE CIRCULAR NO. 18/91
- EXHIBIT P3 : TRUE COPY OF THE CIRCULAR NO. 11/99 DATED 23.03.1999
- EXHIBIT P4 : TRUE COPY OF THE COMPLAINT DATED 20.10.2009
- EXHIBIT P5 : TRUE COPY OF THE COMPLAINT PREFERRED BEFORE THE 1ST RESPONDENT.
- EXHIBIT P6 : TRUE COPY OF THE DETAILS OF EMPLOYEES WORKING IN THE 3RD RESPONDENT SOCIETY.
- EXHIBIT P7 : TRUE COPY OF THE REPRESENTATION DATED 22.10.2009.
- EXHIBIT P8 : TRUE COPY OF THE INFORMATION DATED 01.12.2009 GIVEN BY THE INFORMATION OFFICER, EXAMINATION BOARD
- EXHIBIT P9 : TRUE COPY OF THE INFORMATION DATED 25.02.2010 GIVEN BY THE INFORMATION OFFICER, EXAMINATION BOARD.
- EXHIBIT P10 : TRUE COPIES OF THE FIRST 6 PAGES OF THE REPORT FOR THE ANNUAL GENERAL BOARD MEETING DATED 10.12.2011.
- EXHIBIT P11 : TRUE COPY OF THE COMPLAINT DATED 04.01.2012
- EXHIBIT P12 : TRUE COPY OF THE NOTIFICATION PUBLISHED IN KERALA KAUMUDHI DAILY DATED 14.02.2015.
- EXHIBIT P13 : TRUE COPY OF THE COMPLAINT DATED 16.02.2015.

RESPONDENT(S) EXHIBITS

- EXHIBIT R4(a) A TRUE COPY OF THE CIRCULAR NO. 33/09 DATED 13.07.2009.
- EXHIBIT R4(b) A TRUE COPY OF THE RESOLUTION DATED 24.10.2009 OF THE MANAGING COMMITTEE.
- EXHIBIT R4(c) A TRUE COPY OF THE MINUTES DATED 24.10.2009
- EXHIBIT R4(d) A TRUE COPY OF THE POSTAL RECEIPT NO. 229.

WP(C) NO. 30451/2009

EXHIBIT R4(e) A TRUE COPY OF THE POSTAL RECEIPT NO. 229.

EXHIBIT R4(f) A TRUE COPY OF THE LETTER DATED 15.06.2010 OF THE EXAMINATION BOARD.

EXHIBIT R4(g) A TRUE COPY OF THE PROFORMA SUBMITTED BY THE BANK TO THE EXAMINATION BOARD DATED 26.07.2010.

EXHIBIT R4(h) A TRUE COPY OF THE INTERIM ORDER DATED 07.02.2012 IN IA NO. 1767/2012

EXHIBIT R4(i) A TRUE COPY OF THE NOTIFICATION PUBLISHED IN MALAYALA MANORAMA DAILY DATED 26.02.2012.

EXHIBIT R4(j) A TRUE COPY OF THE ORDER DATED 16.03.2012 ISSUED BY THE JOINT REGISTRAR.

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 30451 OF 2009

Dated this the 3rd day of March, 2015

JUDGMENT

The petitioners contend that sufficient reservation to persons belonging to Scheduled castes/Scheduled Tribes are not made in the bank. The petitioners have also a contention that the appointments are being made in violation of Exts.P2 and P3 circulars and not transparent. It is however pointed out that Ext.P2 circular is superseded by yet another circular No. 79/2011 dated 09.11.2011.

2. The petitioner has in this regard submitted Ext.P13 representation with the second respondent. The second respondent shall issue notice to the petitioners and the third respondent before passing orders. Final orders shall be passed within a period of three weeks from today.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

ncd