

Ashwareshma vs State of Kerala

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Court : Kerala

Decided On : Jan-11-2023

Judge : Honourable Mr. Justice Devan Ramachandran

Appeal No. : WP(C)/38251/2022

Appellant : Ashwareshma

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN WEDNESDAY, THE 11TH DAY OF JANUARY 2023 / 21ST POUSHA, WP(C) NO. 38251 OF 2022 PETITIONER: ASHWARESHMA AGED 32 YEARS W/O PRASHANTH, PRASHANATH BHAVAN, POOVATTOOR EAST, KALAYAPURUM P.O, KOTTARAKARA KOLLAM-691560 BY ADV JAYADEVAN J RESPONDENTS:

1 STATE OF KERALA CHIEF SECRETARY TO GOVERNMENT, SECRETARIAT, THIRUVANANTHAPURAM 695001. 2 STATE OF KERALA, REPRESENTED BY THE SECRETARY, DEPARTMENT OF

CO- OPERATION, SECRETARIAT, THIRUVANANTHAPURAM 3
STATE OF KERALA, REPRESENTED BY THE SECRETARY, DAIRY
DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM-695001 4
THE REGISTRAR OF CO-OPERATIVE SOCIETIES, OFFICE OF THE
REGISTRAR OF CO-OPERATIVE SOCIETIES, JAWAHAR BHAVAN,
JAGATHY, THIRUVANANTHAPURAM-695001 5 DEPUTY DIRECTOR,
DEPARTMENT OF KSHEERAVIKASANAM, KOLLOM
COLLECTORATE, KOLLAM DISTRICT-691013 6 POOVATOOR
KSHEEROLPADAKA SAHAKARANA SANGAM.169 D., APCOS,
KALAYAPURAM PO, KOTTARAKARA -691560, REPRESENTED BY
ITS SECRETARY 7 THE ADMINISTRATOR, DAIRY EXTENSION
OFFICER, VETTIKAVALA, VETTIKAVALA P.O., KOTTARAKARA,
KOLLAM- 691538 8 M R CHANDRASHEKARAN PILLAI, GIRIBRIND,
POOVATOOR EAST, KALAYAPURAM P.O.,

9 N P RAVEENDRAN PILLAI, NEDUVELIL VEEDU, POOVATOOR
EAST,B KALAYAPURAM PO., KOTTARAKARA, KOLLAM , PIN- 691560
10 K THANKACHAN, LIJO BHAVAN, POOVATOOR EAST,
KALAYAPURAM PO. 11 RAJESH M, MEGHADOODH, POOVATOOR
EAST, KALAYAPURAM.P.O. ,KOTTARAKARA, KOLLAM, PIN-691560
12 O.THANKACHAN, BIJU BHAVAN, POOVATOOR EAST,
KALAYAPURAM P.O., 13 MONIKUTTY, THOTTATHIL VEEDU,
POOVATOOR EAST, KOTTARAKARA, KALAYAPURAM PO. KOLLAM,
PIN -691560 14 JAINAMMA BIJU, MARUTHOOR VADAKKATHIL,
POOVATOOR EAST, KALAYAPURAM P.O. PIN- 691560 15 REENA
BIJU, BIJU BHAVAN, POOVATOOR EAST, KALAYAPURAM P.O.,
KOTTARAKARA, KOLLAM, PIN -691560 16 ALICE AJITH, HAPPY
VILLA, KALAYAPURUM, KALAYAPURUM P.O., KOTTARAKARA,
KOLLAM- 691560 17 SUMA JOHN, THAIPLAVILE VEEDU,
POOVATTOOR EAST, KALAYAPURAM (PO)-69150 18 SUNITHA.S.
THENGGUM THUNDIL VEEDU, POOVATTOOR EAST,
KALAYAPURAM .P.O., KOTTARAKARA, KOLLAM,PIN- BY ADVS.
M.SASINDRAN P.RAVEENDRAN PILLAI SMT PARVATHY K -GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11.01.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner alleges that even though the 6th respondent - Society commenced processes for filling up the post of 'Las Assistant' in their services, through the written test and interview, it has now been left ad infinitum delayed because, in the meanwhile, its Managing Committee was superseded and a Part Time Administrator appointed. He alleges that, in spite of the fact that a rank list was published on 12.09.2022, the Administrator has appointed respondents 17 and 18 on temporary basis; and thus prays that the said Authority be directed to appoint her from the aforementioned rank list, within a time frame to be fixed by this Court.

2. Sri.M.Sasindran - learned counsel appearing for

the Part time Administrator of the Society, responded, submitting that the allegation of the petitioner, that a rank list was published on 12.09.2022 is not correct. He added that since the written test was conducted not by an accredited agency, but by an individual Advocate, it is doubtful whether a rank list can be published based on the same.

3. Adv.P.Raveendran Pillai - appearing for

respondents 17 and 18, submitted that there are no allegations against his clients, except that they were appointed on a temporary basis; and therefore, prayed that this Writ Petition be dismissed as against them.

4. When I consider and evaluate the afore

submission, it is clear that grievance of the petitioner is that the appointments, based on a selection process initiated by the erstwhile Managing Committee, has not been completed. Obviously, it is for the Part time Administrator for hear them and take a final decision as to the said selection process.

5. Resultantly, I allow this Writ Petition and direct the

7th respondent - Part time Administrator of the Society or such other of its Competent Authority, to hear the petitioner and all other interested persons including respondents 17 and 18, and take a decision on the claim impelled in this Writ Petition as expeditiously as is possible, but not later than one month from the date of receipt of a copy of this judgment. Needless to say, should the Part time Administrator finds that a Rank List requires to be published based on the written test and interview already conducted, then action for the same shall be completed within a period of one month thereafter; but, if on contrary, he is to find otherwise, then he shall reflect his opinion in the resultant order and communicate to the petitioner, without any delay. Sd/-DEVAN RAMACHANDRAN, JUDGE
Isn
APPENDIX OF WP(C) 38251/2022 PETITIONER EXHIBITS Exhibit P1 A TRUE COPY OF THE NOTIFICATION IN THE NEWSPAPER DATED 10.07.2022 Exhibit P2 A TRUE COPY OF THE HALL TICKET NO 001 DATED 13.08.2022 Exhibit P3 A TRUE COPY OF THE RANK LIST PUBLISHED ON 12.09.2022 Exhibit P4 A TRUE COPY OF THE ORDER NO DDKLM/424/2022-A5 DATED 03.10.2022 Exhibit P5 A TRUE COPY OF THE REPRESENTATION DATED 25.09.2022
RESPONDENTS EXHIBITS: NIL TRUE COPY P.A TO JUDGE LSN

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