

Kerala High Court

Sheeja Kumari vs General Manager on 24 June, 2010

IN THE HIGH COURT OF KERALA AT ERNAKULAM

WP(C).No. 6055 of 2010(F)

1. SHEEJA KUMARI ,KULAHIL KARA VEEDU
... Petitioner
2. SREE VELLAYANI HANDLOOM WEAVERS CO-OP

Vs

1. GENERAL MANAGER, DISTRICT INDUSTRIES
... Respondent
2. DEPUTY REGISTRAR, OFFICE OF THE GENERAL
3. THE PUBLIC SERVICE COMMISSION PATTOM

For Petitioner :SRI.D.SOMASUNDARAM

For Respondent :SRI.ALEXANDER THOMAS,SC,KPSC

The Hon'ble MR. Justice ANTONY DOMINIC

Dated :24/06/2010

O R D E R

ANTONY DOMINIC, J.

W.P.(C.) No.6055 of 2010 (F)

Dated, this the 24th day of June, 2010

J U D G M E N T

The 1st petitioner joined the services of the 2nd petitioner society as a Clerk with effect from 01/07/1995. Ext.P5 dated 25/06/1995 is the order of appointment. She is a Graduate in Co-operation.

2. While continuing in that post, pursuant to a notification issued by the Public Service Commission

inviting applications for the post of Clerk in the District Co-operative Bank, Thiruvananthapuram, to which 50% seats are reserved for employees of affiliated societies, the petitioner submitted an application. She was called for a written test and was included in Ext.P1 short list.

3. She was required to produce a certificate to the effect that she had three years experience. Thereupon she made an application to the 2nd petitioner Society to issue a certificate as required by the PSC. By Ext.P2, the the 2nd petitioner Society has WP(C) No.6055/2010 resolved to request the 1st respondent to issue the certificate. Exts.P3 & P4 show that the Co-operative Inspector recommended to issue the certificate, and in fact sought orders approving the appointment of the 1st petitioner as well. There was no progress in the matter of issuance of experience certificate and that led the petitioner to file this writ petition.

4. Pursuant to the interim orders passed by this Court, the 1st petitioner was provisionally included by the PSC in Part.II of Ext.P11 ranked list at serial No.46. Although the interim order also required the 1st & 2nd respondents to pass orders on the request made by the 1st petitioner for the experience certificate, learned counsel for the petitioners complain that so far no orders have been passed.

5. A statement has been filed on behalf of 1st respondent. According to the 1st respondent, it was for want of details to prove that the 1st petitioner's appointment was in accordance with Appendix III of Co-operative Societies Rules, such as appointment order from the Managing Committee, selection list approved by the Committee, minutes of the Society appointing the 1st petitioner, the WP(C) No.6055/2010 said respondent could not pass orders on the request for issuance of the experience certificate.

6. Irrespective of the inadequacies pointed out by the 1st respondent in the statement filed, from Ext.P7 service book of the 1st petitioner, it is evident that the 1st petitioner is working in the 2nd petitioner Society on permanent basis from 01/07/1995 onwards. Ext.P8, the acquittance roll, shows that she has been on the rolls of the Society as stated by her. There is absolutely no dispute on the part of the 2nd petitioner about the correctness of the claim made by the 1st petitioner. Therefore, it is obvious that the 1st petitioner has been in the permanent employment of the 2nd petitioner since 01/07/1995. The request made to the 2nd respondent is only to issue an experience certificate to the effect that the 1st petitioner has three years experience and the documents produced by the petitioners in this Court prove the fact that she has been working in the 2nd petitioner Society since 1995.

7. Since this Court is satisfied that the 1st petitioner has acquired the experience for the period applied for, this writ petition is disposed of directing the 2nd respondent to issue an experience WP(C) No.6055/2010 certificate certifying that the 1st petitioner has three years experience as a Clerk in the 2nd petitioner Society. The certificate shall be issued as expeditiously as possible, at any rate, within two weeks of production of a copy of this judgment.

The petitioner shall produce a copy of this judgment before the 2nd petitioner for compliance.

This writ petition is disposed of as above.

(ANTONY DOMINIC, JUDGE) jg