

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

THURSDAY, THE 20TH DAY OF OCTOBER 2022 / 28TH ASWINA, 1944

WP(C) NO. 36859 OF 2010

PETITIONER:

SUJATHA P.V.
W/O.K.P.GOPALAN, VALIYAPOYIL,
KODAKKAD, KASARAGOD DISTRICT, (NOW WORKING AS
MESSENGER AGAINST LEAVE VACANCY), NORTH MALABAR
BANK.
BY ADV SRI.M.V.AMARESAN

RESPONDENTS:

- 1 NORTH MALABAR GRAMIN BANK
REPRESENTED BY ITS CHAIRMAN,
KANNUR, PIN 670 001.
- 2 THE EMPLOYMENT OFFICER
EMPLOYMENT EXCHANGE,
KASARAGOD, PIN 671 121.
BY ADVS.
SRI.ADARSH KUMAR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 20.10.2022, ALONG WITH WP(C).376/2011
AND CONNECTED CASES, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

THURSDAY, THE 20TH DAY OF OCTOBER 2022 / 28TH ASWINA, 1944

WP(C) NO. 36619 OF 2010

PETITIONERS:

- 1 SARALA T.V
W/O.LATE VIJAYAN, NORTH MALABAR GRAMIN BANK,,
PAYYANNUR BRANCH.
- 2 SARITHA.T.
W/O.LATE VIDHYADHARAN,, NORTH MALABAR GRAMIN
BANK, THRIKARIPPUR BRANCH.
- 3 SARITHA BABU.S
W/O.DHARMARAJAN.P., NORTH MALABAR GRAMIN BANK,
PARAVUR BRANCH (S),, KOLLAM DISTRICT.
BY ADVS.
SRI.P.C.SASIDHARAN
SRI.C.R.SIVAKUMAR

RESPONDENTS:

- 1 NORTH MALABAR GRAMIN BANK
REPRESENTED BY THE GENERAL MANAGER,,
NORTH MALABAR GRAMIN BANK,, N.M.G.TOWERS,
POST PALLIKUNNU, KANNUR DISTRICT-, 670 004.
- 2 THE CHAIRMAN
NORTH MALABAR GRAMIN BANK,, N.M.G.TOWERS,
POST PALLIKUNNU,, KANNUR DISTRICT- 670 004.

**THIS WRIT PETITION (CIVIL) HAVING COME UP
FOR ADMISSION ON 20.10.2022, ALONG WITH
WP(C).376/2011 AND CONNECTED CASES, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

THURSDAY, THE 20TH DAY OF OCTOBER 2022 / 28TH ASWINA, 1944

WP(C) NO. 376 OF 2011

PETITIONER:

SATHYA SWAROOPAN V.T.
ADUTHILA (W), PAZHAYANGADI,
KANNUR DISTRICT, (NOW WORKING AS MESSENGER
AGAINST TEMPORARY LEAVE, VACANCIES AT DIFFERENT
BRANCHES OF NORTH MALABAR, GRAMIN BANK).
BY ADV SRI.P.C.SASIDHARAN

RESPONDENTS:

- 1 NORTH MALABAR GRAMIN BANK
BY ITS CHAIRMAN, KANNUR, PIN-670 001.
- 2 THE EMPLOYMENT OFFICER
EMPLOYMENT EXCHANGE, KASARAGOD, PIN-671121.
BY ADVS.
SRI.K.M.ANEESH
SRI.K.SANTHOSH KUMAR KALIYANAM

SRI.JUSTIN JACOB, SR.GP

**THIS WRIT PETITION (CIVIL) HAVING COME UP
FOR ADMISSION ON 20.10.2022, ALONG WITH
WP(C).36619/2010, 36859/2010, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:**

P.V.KUNHIKRISHNAN, J.

W.P.(C).Nos.36619 & 36859 of 2010

and

W.P.(C).No.376 of 2011

Dated this the 20th day of October, 2022

JUDGMENT

W.P.(C). No.36619/2010 is filed with following prayers:

- i. Declare that since the petitioners are working on temporary basis they are entitled for age relaxation as one granted in the previous selection held in the year 2006 and that the non extension of age relaxation is highly unjust and illegal.
- ii. Issue a writ of mandamus or any other writ, order or direction commanding and compelling the respondents to consider the claim of the petitioners also while making direct recruitment to the post of Messenger without insisting the age qualification as insisted in the present selection.
- iii. To issue such other writ, order or direction as this Honourable Court may deem fit and proper in the circumstances of this case.

(SIC)

W.P.(C). No.36859/2010 is filed with following prayers:

- i. To issue a writ of mandamus or any other

appropriate writ or orders directing the respondents to include the petitioner too in the selection process for appointment to the post of messenger in the respondent bank to interview this petitioner and consider her for such appointment.

- ii. To direct the 2nd respondent to sponsor the name of the petitioner also for selection to the post of messenger in the respondents bank.
- iii. To keep one post of messenger unfilled, to the respondent bank till the writ petition is heard and finally disposal.
- iv. To grant such other and further relief as this Hon'ble Court may consider just and proper in the facts and circumstances of the case.

(SIC)

W.P.(C). No.376/2011 is filed with following prayers:

- i. To issue a writ of mandamus or any other appropriate writ or orders directing the respondents to include the petitioner too in the selection process for appointment to the post of messenger in the respondent bank, to interview this petitioner and consider him also for such appointment.
- ii. To direct the 2nd respondent to sponsor the name of the petitioner also for selection to the post of Messenger in the respondent's bank.
- iii. To grant such other and further relief as this

Honorable Court may consider just and proper in the facts and circumstances of the case.

(SIC)

2. In the judgment dated 17.08.2017 in W.P.(C). No.32912/2010, the same point is considered by this Court in detail and similar prayers are rejected by this Court.

In the light of the judgment dated 17.08.2017 in W.P.(C). No.32912/2010, these writ petitions are dismissed.

JV

Sd/-
P.V.KUNHIKRISHNAN
JUDGE

WP(C).No.36619 & 36859 of 2010 & 376 of 2011

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APPENDIX OF WP(C) 36859/2010

PETITIONER EXHIBITS

Exhibit P1	TRUE COPY OF THE IDENTITY CARD OF THE REGISTRATION IN EMPLOYMENT EXCHANGE NO.10/1876/91 OF THE PETITIONER.
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APPENDIX OF WP(C) 36619/2010

PETITIONER EXHIBITS

Exhibit P1	TRUE COPY OF THE MINUTES OF THE CONCILIATION MEETING HELD ON 18/03/2009.
Exhibit P2	TRUE COPY OF THE NOTICE OF THE CO - ORDINATE COMMITTEE DATED 02/04/2009.
Exhibit P3	TRUE COPY OF THE JUDGEMENT IN WPC NO. 26742 OF 2010.
Exhibit P4	TRUE COPY OF THE COMMUNICATION ISSUED IN FAVOUR OF SRI. RANJITH.K., BY THE BANK DATED 20/10/2010.
Exhibit P5	TRUE COPY OF THE CIRCULAR ALONG WITH THE COPY OF THE NOTIFICATION.
Exhibit P6	TRUE COPY OF THE SELECT LIST PUBLISHED BY THE BANK.
Exhibit P7	TRUE COPY OF THE INTERIM ORDER ISSUED IN WPC NO. 35722 OF 2010.
Exhibit P8	TRUE COPY OF THE ORDER DATED 27/12/2011.
Exhibit P9	TRUE COPY OF THE COMMUNICATION ISSUED BY THE BANK DATED 18/01/2013.

APPENDIX OF WP(C) 376/2011

PETITIONER EXHIBITS

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| Exhibit P1 | TRUE COPY OF THE CALL LETTER DATED
5.08.06, ISSUED BY 1ST RESPONDENT TO
THE PETITIONER. |
| Exhibit P2 | TRUE COPY OF THE IDENTITY CARD OF THE
EMPLOYMENT EXCHANGE REGISTRATION
BEARING REG.NO.1536/97 ISSUED BY 2ND
RESPONDENT. |
| Exhibit P3 | TRUE COPY OF THE ORDER DATED
10.12.2010 PASSED BY THE HON'BLE COURT
IN WPC NO.36859/2010. |