

Circular No. 19/10

Sub:- Co-operation – Recruitment for appointment of employees in Co-operative Societies – Reservation for candidates belonging to scheduled castes/Tribes – partial modification – instructions issued - Regarding.

Ref:-1) Registrar's Circular No.46/89 dated: 27.07.89.

2) Registrar's Circular No. 66/89 dated: 29.11.89.

3) Registrar's Circular No. 18/91 dated: 07.06.91.

4) Judgment of Hon'ble High Court in W.P(C)Nos. 13257/07 and 14031/07 dated: 12.08.08.

5) Judgment of Hon'ble High Court in W.A. Nos. 2105/08 and 2106/08 dated: 27.01.2009.

As per Circular 1st cited, instructions were issued to ensure 10% reservation for the candidates belonging to scheduled castes/ scheduled tribes for appointment in Co-operative institutions. As per Circular 2nd and 3rd cited, procedure with regard to the recruitment for appointment of employees in Co-operative Societies were issued. Hon'ble High Court as per judgment 4th cited above, has observed that section 80 (4) over rides those circulars and therefore, in its terms, runs beyond the scope of Circulars 46/89 and 18/91. The reservation of ten percent, to satisfy the mandates of section 80 (4) of the Act, has to be on the total number of posts to which direct recruitment is the method of appointment. It is also held by Hon'ble High Court that all appointments made in the bank before 25.02.1985 have to be treated as recruitments without any classification on the basis of caste, creed or colour.

In the judgment referred to 5th cited, the Division Bench of Hon'ble High Court of Kerala have also observed that going by section 80 (4), 10% of the posts are to be reserved and not vacancies. The reservation has to be applied with reference to the number of posts available, having due regard to the vacancies available in those posts at the time of recruitment.

As per the above judgments of Hon'ble High Court, the instructions in Circular No. 46/89, the 6th condition in 1st paragraph of Circular No. 66/89 and the guideline. No. 4(f) in IIIrd paragraph of Circular No. 18/91 are modified and following instructions are issued with regard to the reservation for the candidates belonging to Scheduled Castes/Tribes.

“Ten percentage of the total posts should be reserved for candidates belonging to Scheduled Castes and Schedules Tribes”

All Joint Registrars are directed to bring the contents of this circular to the notice of all Co-operative instructions in the District under the administrative control of Co-operative Department for strict compliance.

Sd/-
Rani George. IAS,
Registrar of Co-operative Societies

To

1. All Joint Registrar (General and Audit)
2. All Managing Directors of Apex Co-operative institutions.
3. All General Managers of District Co-operative Bank.
4. All Offices and Section Heads in this Office.
5. Editor Cum Press Relation Officer,
Sahakarana Veedhi/Sahakarana Journal.
6. Website – www.Cooperation.Kerala.gov.in.
7. Stock file/Spare.

Approved for issue

Assistant Registrar (E.M)