

(2011) 03 KL CK 0263

High Court Of Kerala

Case No: W.A. No. 54 of 2011

P.S. Suresh kumar

APPELLANT

Vs

State of Kerala and Others

RESPONDENT

Date of Decision: March 14, 2011

Hon'ble Judges: C.N. Ramachandran Nair, J; B.P. Ray, J

Bench: Division Bench

Advocate: M.V. Thamban, for the Appellant; No Appearance, for the Respondent

Judgement

C.N. Ramachandran Nair, J.

Appellant is an elected member of the Board of Directors of a Society. He is not allowed to take charge merely because his relative is said to be an employee in the very same society. While case of the Appellant is that the relative employed in the society is not within the prohibited degrees of relationship stated in the Rules, learned Government Pleader's contention is that decision by Joint Registrar is that the relationship the employee has with the Appellant is such as to disqualify the Appellant from being a member of the Board.

2. Strangely, both sides rely on very same judgment of this Court in the matter. We feel, this being a pure question of law and since Appellant is already elected to the Board, the Government should decide the matter without any delay.

3. Accordingly, we dispose of the Writ Appeal by modifying impugned judgment with direction to the first Respondent to hear and decide the matter within three weeks from today. Appellant will produce a copy of this judgment before the first Respondent, who will give a posting, hear the Appellant and decide the matter, if necessary, after hearing the Joint Registrar as well. The first Respondent should consider the scope of the decision in [Joint Registrar Vs. Gopalukrishna Pillai](#) .

Issue copy today itself to both sides.