



2026:KER:8402

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

MONDAY, THE 2<sup>ND</sup> DAY OF FEBRUARY 2026 / 13TH MAGHA, 1947

WP(C) NO. 2219 OF 2026

PETITIONERS:

- 1 KANICHODU MPCS LTD NO.181 (D) APCOS,  
KALAMACHAL P.O., VAMANAPURAM,  
THIRUVANANTHAPURAM,  
REPRESENTED BY ITS PRESIDENT,  
PIN - 695606
- 2 VECHOOCHIRA MILK PRODUCERS CO-OPERATIVE  
SOCIETY LTD NO. PT 88 (D) APCOS,  
VECHOOCHIRA, REPRESENTED BY ITS PRESIDENT,  
PIN - 686511
- 3 EAST CHENKAL MILK PRODUCERS CO-OPERATIVE  
SOCIETY LTD NO.T 283 (D) APCOS,  
KUNNAVILA, VATTAVILA P.O.,  
THIRUVANANTHAPURAM,  
REPRESENTED BY ITS PRESIDENT, PIN - 695132

BY ADVS.  
SRI.N.ANAND  
SMT.NISHA GEORGE  
SRI.RAJESH O.N.  
SRI.AMEER SALIM  
SRI.SADIQ NAZAR  
SRI.GEORGE POONTHOTTAM (SR.)

RESPONDENTS:

- 1 THE STATE OF KERALA,  
AGRICULTURE (DAIRY) DEPARTMENT SECRETARIAT,



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W.P.(C) Nos.2219 & 2316 of 2026

: 2 :

THIRUVANANTHAPURAM,  
REPRESENTED BY ITS SECRETARY, PIN - 695001

2 THE DIRECTOR,  
DAIRY DEVELOPMENT DEPARTMENT  
PATTAM PALACE P.O.,  
THIRUVANANTHAPURAM, PIN - 695004

3 THE THIRUVANANTHAPURAM REGIONAL MILK  
PRODUCERS UNION LTD.NO. T 177 (D) APCOS,  
KSHEERA BHAVAN, PATTOM,  
THIRUVANANTHAPURAM,  
REPRESENTED BY ITS MANAGING DIRECTOR,  
PIN - 695004

4 THE RECRUITMENT COMMITTEE,  
THE THIRUVANANTHAPURAM REGIONAL MILK PRODUCERS  
UNION LTD.NO.T 177 (D) APCOS. KSHEERA BHAVAN,  
PATTOM, THIRUVANANTHAPURAM,  
REPRESENTED BY ITS CONVENER, PIN - 695004

5 KERALA STATE PRODUCTIVITY COUNCIL,  
PRODUCTIVITY HOUSE, P.B NO: 08, H.M.T ROAD,  
KALAMASSERY, COCHIN, KERALA, INDIA,  
REPRESENTED BY ITS CHAIRMAN,  
PIN - 683104

BY ADVS.  
SRI.RENJITH TAMPAN (SR.)  
SMT.LATHA ANAND, SC  
SRI.V.M.KRISHNAKUMAR  
SRI.S.VISHNU (ARIKATTIL)  
SRI.JAFFAR KHAN, SPL. GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR  
ADMISSION ON 30.01.2026, ALONG WITH WP(C).2316/2026, THE  
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



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: 3 :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

MONDAY, THE 2<sup>ND</sup> DAY OF FEBRUARY 2026 / 13TH MAGHA, 1947

WP(C) NO. 2316 OF 2026

PETITIONERS:

- 1 SHEEBA B. ,  
AGED 45 YEARS,  
W/O. RAJAGOPAL C RAJ BHAVAN,  
VELAMANNOOR P.O. , PARAPPALLY,  
KOLLAM, PIN - 691574
- 2 RESHMI RAJENDRAN,  
AGED 29 YEARS,  
C/O. RAJESH M G RAJESH BHAVAN,  
NEDUVANNOOR, AVANEESWARAM RS P.O. ,  
THALAVOOR, KOLLAM, PIN - 691508
- 3 AJITHA S. ,  
AGED 37 YEARS,  
W/O. SABU, SUDHA BHAVANAM,  
NEELIKULAM, KULASEKHARAPURAM,  
CLAPPANA,  
KOLLAM, PIN - 690528
- 4 RAJEEV,  
AGED 42 YEARS,  
S/O. K. RAJASEKHARAN NAIR,  
KARUNA,  
EANIKKARA, KARAKULARR P.O. ,  
KARAKULAM,  
THIRUVANANTHAPURAM, PIN - 695564



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: 4 :

5 SAM THOMAS,  
AGED 37 YEARS,  
S/O. THOMAS, THEKKANALIL HOUSE,  
KADAMANKODU P.O., THINKALKARIKKAKOM,  
KOLLAM, PIN - 691310

6 AMEERKHAN B.,  
AGED 34 YEARS,  
S/O. BASHEER, PUNNAKKULANGARA,  
VADAKKUMTHALA P.O.,  
KARUNAGAPPALLY,  
KOLLAM, PIN - 690536

BY ADVS.  
SRI.N.ANAND  
SMT.NISHA GEORGE  
SRI.RAJESH O.N.  
SRI.AMEER SALIM  
SRI.SADIQ NAZAR  
SRI.GEORGE POONTHOTTAM (SR.)

RESPONDENTS:

1 STATE OF KERALA,  
AGRICULTURE (DAIRY) DEPARTMENT SECRETARIAT,  
THIRUVANANTHAPURAM,  
REPRESENTED BY ITS SECRETARY,  
PIN - 695001

2 THE DIRECTOR,  
DAIRY DEVELOPMENT DEPARTMENT,  
PATTAM PALACE P.O.,  
THIRUVANANTHAPURAM, PIN - 695004

3 THE THIRUVANANTHAPURAM REGIONAL MILK  
PRODUCERS UNION LTD. NO. T 177 (D) APCOS  
KSHEERA BHAVAN, PATTOM,  
THIRUVANANTHAPURAM,  
REPRESENTED BY ITS MANAGING DIRECTOR,  
PIN - 695004



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: 5 :

4 THE RECRUITMENT COMMITTEE,  
THE THIRUVANANTHAPURAM REGIONAL MILK  
PRODUCERS UNION LTD. NO. T 177 (D) APCOS.  
KSHEERA BHAVAN, PATTOM,  
THIRUVANANTHAPURAM,  
REPRESENTED BY ITS CONVENER,  
PIN - 695004

5 KERALA STATE PRODUCTIVITY COUNCIL,  
PRODUCTIVITY HOUSE, P.B NO: 08,  
H.M.T ROAD, KALAMASSERY, COCHIN,  
KERALA, INDIA,  
REPRESENTED BY ITS CHAIRMAN,  
PIN - 683104

BY ADV.

SRI.RENJITH TAMPAN (SR.)

SMT.LATHA ANAND, SC

SRI.V.M.KRISHNAKUMAR

SRI.S.VISHNU (ARIKKATTIL)

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THIS WRIT PETITION (CIVIL) HAVING COME UP FOR  
ADMISSION ON 30.01.2026, ALONG WITH WP(C).2219/2026, THE  
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**CR**

**N. NAGARESH, J.**

.....

W.P.(C) Nos.2219 and 2316 of 2025

.....

*Dated this the 2<sup>nd</sup> day of February, 2026*

**J U D G M E N T**

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The extent of State power in intervening with the recruitment process for appointment of employees to the Regional Milk Producers' Co-operative Societies, is the subject matter of dispute in these two writ petitions.

2. The petitioners in W.P.(C) No.2219/2026 are Primary Dairy Societies affiliated to the 3<sup>rd</sup> respondent-Thiruvananthapuram Regional Milk Producers' Union Ltd. The petitioners in both the writ petitions contend that constitution of Recruitment Committees by the Government and



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introduction of reservation and weightage in appointments to Dairy Co-operative Societies will seriously intrude into the autonomy of Dairy Co-operative Societies.

3. In order to implement Operation Flood-II Project in Kerala, the Government of Kerala entered into an agreement between themselves and the Indian Dairy Corporation. Clause 4 of the agreement states that the Government will permit the Co-operative institutions full freedom to create positions and to recruit personnel and to fix their remuneration, which they deem appropriate for carrying out the Project, subject to such directions as may be given by a Committee consisting of a nominee of the State Government, a nominee of IDC/NDDDB and the Managing Director of the Federation/Union. As full freedom is to be given to Co-operative institutions, it was for the Union to create Committees to recruit personnel and fix their remuneration.



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4. The Government of Kerala issued G.O. (MS) No.1/2021/DD dated 19.01.2021 and approved Recruitment and Promotion Rules for the three Regional Milk Producers' Unions, namely the Thiruvananthapuram Regional Co-operative Milk Producers' Union Limited, the Ernakulam Regional Co-operative Milk Producers' Union Limited and the Malabar Regional Co-operative Milk Producers' Union Limited. The petitioners state that Ext.P2 G.O. dated 19.01.2021 and the Recruitment and Promotion Rules appended to the said G.O. cannot be treated as statutory rules. Under Section 109 of the Kerala Co-operative Societies Act, such provisions will have to be notified in the Official Gazette to be operative.

5. The petitioners state that Section 80 of the Kerala Co-operative Societies Act requires that the Government shall classify Societies and make rules, prescribing qualifications and conditions of service of the employees of the Societies. Provisions for classification of Co-



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operative Societies are contained in Rule 182 of the Kerala Co-operative Societies Rules. In Appendix III, classifications have been incorporated. The three Regional Milk Producers' Societies / Central Societies are not included in Appendix III. Therefore, method of recruitment cannot be prescribed by the Government, as long as the Regional Milk Producers' Unions are included in Appendix III.

6. The petitioners state that even though the respondents claim that the Government has power under Section 80(8) of the Kerala Co-operative Societies Act, such power cannot include method of classification as classification is exclusively governed by Section 80 of the Act and Rule 182 of the Rules. The petitioners would reiterate that the Recruitment and Promotion Rules appended to Ext.P2 G.O. and approved by the Government cannot be treated as Rules as contemplated under Section 109 of the Kerala Co-operative Societies Act since the Recruitment and Promotion



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Rules are not notified in the Official Gazette.

7. The petitioners state that the Kerala Co-operative Societies Act was amended by Gazette Notification dated 12.02.2021, incorporating Section 80BB. The amended provision provided for constitution of Recruitment Committees for the entire selection and recruitment of all permanent employees across the three Regional Co-operative Milk Producers Unions as per Ext.P3 Notification dated 14.11.2021.

8. The petitioners state that the Thiruvananthapuram Regional Co-operative Milk Producers' Union Limited initiated proceedings for promotion by selection to the posts under supervisor/managerial cadre, as per Ext.P4 Notification dated 11.03.2024. An aspirant to one of the posts filed W.P.(C) No.20753/2024 before this Court and this Court passed an interim order dated 11.06.2024 directing that the selection process shall not be done without getting further



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orders of the Court. The Interim order was later modified by this Court on 18.09.2025 permitting selection proceedings except to the post of Assistant Manager (Production).

9. In the meanwhile, the Government issued further guidelines as per G.O. (Rt.) No.73/2024/DD dated 05.06.2024 prescribing procedure for functioning of the Recruitment Committees. The said G.O. permitted constitution of Sub Committees for the purpose of conducting interviews. Such a provision is intended to enable the State machinery to have final say in the appointments, allege the petitioners.

10. By G.O. (P) No.4/2024/DD dated 25.05.2024, the Government notified the constitution of a Recruitment Committee for all selection of all permanent employees of the Regional Cooperative Milk Producers' Union other than Managing Director, in Thiruvananthapuram. By another G.O. (Rt.) No.112/2025/DD dated 07.07.2025, whereby the Government ordered integration of the two



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agencies intended for conducting written test and for conducting group discussion / skill test, into one agency. Thereafter, the Thiruvananthapuram Regional Cooperative Milk Producers' Union Limited published e-Tender No.TRU/PER/1/2025/2673 dated 09.10.2025 for selecting an agency for recruitment process.

11. The petitioners state that the Recruitment Committee, on an unknown date, selected the Kerala State Productivity Council as the Agency to conduct the selection process. One of the Union's Board of Directors is also on the Board of Directors of the Productivity Council. The decision to appoint the Productivity Council is intended to illegally influence the selection process, contended the petitioners.

12. The petitioners state that the Government again issued G.O. (Rt.) No.144/2025/DD dated 01.11.2025 pending for grant of weightage to dairy farmers and their dependents in appointment to Regional Milk Producers'



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Unions. As the Co-operative Societies Act and the Co-operative Societies Rules already provide norms for reservation, the Government could not have granted reservation to dairy farmers by way of any executive instruction, without any statutory support. Now, the Thiruvananthapuram Regional Co-operative Milk Producers' Union Limited has issued a detailed Recruitment Notification No.TRU/PER/1/2025/35-DETAILED dated 03.11.2025 for recruitment to various categories. Even thereafter, the Milk Producers' Union issued Circular No.TRU:PER:1:2025-26 dated 07.11.2025 making amendments to reservation norms.

13. The petitioners argued that the Government cannot frame Recruitment and Promotion Rules under which the impugned notifications are issued, without such rules being notified in the Official Gazette. The Government cannot interfere with the functioning of the Regional Milk Producers Societies. The Government, in effect, has taken over powers



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of recruitment of employees of the Unions which is impermissible. The Government has encroached the Unions' selection process. Now, the entire selection process from publishing Recruitment Notification to publication of rank list, is effectively influenced and controlled by the Government.

14. Section 80BB does not permit the Recruitment Committee to delegate their functions to an outside agency. Neither the Recruitment Committee nor the State Government can delegate statutory responsibilities to any other agency. Similarly, the Government's insistence on awarding weightage to certain sections is unsupported by statute. Circular dated 07.11.2025 introduces weightage only based on relationship, making the posts more or less heritable in nature. Heritability and public appointments do not go hand in hand. Public employment cannot afford preferential routes through family trees.



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15. The petitioners therefore seek to declare that Section 80BB of the Kerala Co-operative Societies Act is arbitrary and violative of Article 14 of the Constitution of India. The petitioners also seek to quash G.O. dated 19.01.2021, the G.O. dated 05.06.2024, the G.O. dated 25.05.2024, the G.O. dated 07.07.2025, the e-Tender Notification of the Thiruvananthapuram Regional Co-operative Milk Producers' Union Limited dated 09.10.2025 and the Circular dated 07.11.2025.

16. The Thiruvananthapuram Regional Milk Producers' Union Limited filed counter affidavit and opposed the writ petition. The Union stated that the petitioners have no *locus standi* to maintain the writ petition. They have no direct nexus with the cause of action. Section 80BB does not affect the petitioners in any manner. Constitutional validity of a legislative enactment can be challenged only on the grounds of lack of legislative competency or violation of any of



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the fundamental rights. The petitioners have not questioned the legislative competence nor they have a case that Section 80BB offends any of their fundamental rights.

17. It is further submitted that the Government is not in any way controlling the appointments to the Society. The Managing Director of the Apex Federation is the Convenor of the Recruitment Committee. The Recruitment Committee is independent in nature. The decision to form the Recruitment Committee was decided in the meeting of the office bearers of all the three Regional Co-operative Milk Producers' Unions, the Apex Federation and the Government. The decision to form Recruitment Committee was adopted by the special General Body meetings of all the three Regional Co-operative Milk Producers' Unions unanimously. Even the petitioners had attended the General Body meeting.

18. The challenge against the G.O. dated 25.05.2024 is based on a wrong premise that the Government



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is required to constitute a Recruitment Committee, every time the Regional Co-operative Milk Producers' Union proposes to hold selection. The Committee is a long-standing Committee. Extensive consultation process was undertaken by the Apex Society before introducing the changes. Discussions were carried out with several similar Co-operative Societies outside the State.

19. The Rule making powers of the Government under Section 109 and Section 80 are distinct. Section 80(3) and Section 80(8) are standalone provisions which enabled the Government to frame Rules dehors the powers under Section 109. Therefore, the condition of publication in Official Gazette is not required for making regulations under Section 80(3) and Section 80(8). Employment under the Regional Co-operative Milk Producers' Union cannot be treated as public employment. Therefore, weightage granted to dairy farmers cannot be said to be illegal or unconstitutional. There is no



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provision prohibiting the Co-operative Societies from granting preference in appointments to deserving category of persons. The writ petitions are therefore without any merit and are liable to be dismissed.

20. The Director, Dairy Development Department also opposes the writ petitions. The Milk Co-operative Societies in Kerala operate under a three tier structure. In the year 2020, the Managing Director of the Kerala Co-operative Milk Marketing Federation submitted a draft Uniform Recruitment and Promotion Rules to the Government for approval. These Rules aimed to standardise matters relating to qualification, remuneration, allowances and promotion across all the three Regional Milk Producers' Unions. Before seeking Government approval, the Federation had conducted extensive discussions with the Trade Unions and reviewed models from Milk producers' Unions outside Kerala. Recognising the necessity of common rules, the State



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Government approved the Rules.

21. The Director urged that Section 80(8) gives explicit power to the Government to frame uniform service and conduct Rules for any or all classes of Co-operative Societies. Earlier, the three Regional Co-operative Milk Producers' Unions had maintained its own promotion policies which were amended periodically. All the three Unions felt the necessity to form common rules.

22. The Recruitment Committee is constituted to ensure fairness in the selection process. The Notifications issued by the Government are in tune with Section 80BB. Guidelines have been issued by the Government to ensure transparency in the selection process. There is no illegality in granting weightage to dairy farmers and to their family. The Government issued order dated 01.11.2025 after considering the necessity of granting weightage. There is no substance in the contention of the petitioners and the writ petitions are



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therefore liable to be dismissed.

23. I have heard the learned Senior Counsel assisted by the counsel for the petitioners and the learned Special Government Pleader representing the State of Kerala. I have also heard the learned Senior Counsel assisted by the counsel for the Recruitment Committee and the learned Standing Counsel for the Thiruvananthapuram Regional Cooperative Milk Producers' Union.

24. The petitioners challenge formation of Recruitment Committee and further proceedings by the respondents initiated for making appointments in Thiruvananthapuram Regional Co-operative Milk Producers' Union. The constitution of Recruitment Committee by the Government for the said purpose is based on the power conferred on the Government under Section 80BB of the Kerala Cooperative Societies Act, 1969.



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25. Section 80BB of the Kerala Cooperative Societies Act, 1969 reads as follows:

**80BB. Recruitment Committee for appointments in Regional Co-operative Milk Producer's Union –**

(1) Notwithstanding anything contained in this Act or rules made thereunder Government shall, by notification in the Gazette, constitute Recruitment Committees which shall be the competent committees for the entire selection and recruitment process of all permanent employees of the Regional Co-operative Milk Producers' Union.

(2) The Recruitment Committee for undertaking the selection process of all employees other than the Managing Director shall consist of not more than eight members. The Secretary to Government in charge of Dairy Development shall be the Chairman of the Committee and the Managing Director of the apex body of the Regional Co-operative Milk Producers' Union, appointed by the Government, shall be the Convener of the Committee. The other members shall be as follows namely:—

(i) Registrar of Dairy (Co-operatives);

(ii) Chairman of the Apex Society;

(iii) Joint Director (General), Dairy Development Department or Joint Secretary to Government, Dairy Development Department, Government of Kerala;



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(iv) An expert from Dairy Industry nominated by the Government.

(v) Chairman, Regional Co-operative Milk Producers' Union;

(vi) Managing Director, Regional Co-operative Milk Producers' Union.

(3) The Recruitment Committee for undertaking the selection process of the Chief Executive or the Managing Director of the Regional Co-operative Milk Producers' Union shall consist of not more than four members. The Secretary to Government in charge of Dairy Development Department shall be the Chairman of the Committee and the Chairman of Regional Co-operative Milk Producers' Union shall be the Convener of the Committee. The other members shall be the Managing Director of the apex society and an expert from Dairy Industry, nominated by the Government.

Section 80BB, in fact, casts an obligation on the Government to constitute Recruitment Committees for the entire selection and recruitment process of all permanent employees of the Regional Co-operative Milk Producers' Unions.

26. The petitioners argue that Section 80BB treats Milk Producers' Societies differently from similarly placed other Central Co-operative Societies without any



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*intelligible differentia*, thereby inviting the wrath of Article 14 of the Constitution of India. For other Co-operative Societies, either PSC or the Co-operative Examination Board conducts selection process.

27. The constitutional validity of an Act can be challenged only on two grounds, viz. (1) lack of legislative competence; and (2) violation of any fundamental rights guaranteed in Part III of the Constitution or any other Constitutional provision. It has been so held by the Apex Court in ***Greater Bombay Co-operative Bank Ltd. v. United Yarn Tex. Pvt. Ltd. and others*** [(2007) 6 SCC 236]. In the judgment in ***State of A.P. and others v. McDowell & Co. and others*** [(1996) 3 SCR 721], the Apex Court held that except the above two grounds, there is no third ground on the basis of which a law made by the competent legislature can be invalidated.



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28. The petitioners do not question legislative competence in enacting Section 80BB. However, the petitioners have a case that the provision is arbitrary and discriminatory towards Milk Producers' Societies. Therefore, the context under which Section 80BB has been inserted in the Kerala Co-operative Societies Act, 1969 gains significance.

29. India's journey from a milk-deficit country in 1960s, to the world's large milk producer owes its success to Operation Flood, launched by the National Dairy Development Board (NDDB). This program introduced a Three-tier Co-operative Society model at Village, District and State level. Operation Flood-II Project was to be implemented by the Government of India, State Governments, Indian Dairy Corporation (IDC), NDDB and Milk Producers' Co-operative Societies with the assistance from the International Development Association (IDA) in various parts in India and



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mutually selected Districts of the State of Kerala.

30. In order to avail itself of the benefits under the Project and to assist IDC in complying with the various covenants in the Project, an agreement was entered into by the State Government with the IDA and IDC. In the agreement, the Government undertook to take necessary action, including steps for the amendment of the Kerala Co-operative Societies Act, 1969 to the extent required and issuance of notification by the State Government to facilitate the formation of Dairy Co-operative Societies, District Co-operative Milk Producers' Unions and Federations of such Unions in the project area.

31. The Government further undertook to permit the Co-operative institutions full freedom to create positions and to recruit personnel and to fix their remuneration which they deem appropriate for carrying out the project, subject to such directions as may be given by a Committee consisting of



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a nominee of the State Government, a nominee of ICD/NDDDB and the Managing Director of Federation/Union. The State Government has thus undertaken to introduce necessary amendments to the Act, 1969 and the agreement undertakes to give necessary directions to the Co-operative institutions functioning in the Dairy Sector, which are necessary to implement the project.

32. Thereafter, the Managing Director of the Kerala Milk Marketing Federation Limited submitted draft "Recruitment and Promotion Rules" for the three Regional Milk Producers' Unions including the Thiruvananthapuram Regional Milk Producers' Union Limited and the Government of Kerala and approved the Rules. Rule 2(1)(o) of the approved Recruitment and Promotion Rules contemplated constitution of a Recruitment Committee as per the provisions of the Bye-laws of the Union for selection of candidates for posts, except for the post of Managing Director. The three



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Regional Unions have amended their respective Bye-laws to facilitate the constitution of the Recruitment Committee.

33. The afore facts would indeed indicate that all these steps are taken by the Unions and the Government of Kerala in order to achieve a larger national goal as part of Operation Flood, joining hands with IDC, NDDDB, IDA and Milk Producers' co-operative Societies. The amendments are in public interest and national interest. In the aforesaid context, Dairy/Milk Co-operatives stand on a different footing and there is *intelligible differentia* in introducing Section 80BB in the Kerala Co-operative Societies Act, 1969. The challenge against Section 80BB based on violation of Article 14 of the Constitution is therefore liable to be rejected.

34. The petitioners would further argue that the Government approved Recruitment and Promotion Rules and various Government Orders enabling the constitution of Recruitment Committees for appointment to the posts in the



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three Regional Milk Producers' Unions, cannot be treated as valid Rules as those Rules are not notified in Official Gazette. The petitioners rely on Section 109 of the Kerala Co-operative Societies Act to urge so.

35. Section 109 of the Kerala Co-operative Societies Act, 1969 reads as follows:

**109. Power to make rules.-**

(1) The Government may, for the whole or, any part of the State and for any class of societies, after previous publication, by notification in the Gazette, make rules either prospectively or retrospectively to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(i) the applicant to whom the order refusing the registration of a society may be sent by the Registrar;

(ii) the procedure and conditions for change in the form and extent of the liability of a society;

(iii) the matters in respect of which a society shall or may make bye-laws;

(iv) the procedure to be followed for amendment of bye-laws by a society;

(v) the qualifications or disqualifications of individuals who may be admitted as members of societies;



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(vi) the payment to be made and the interests to be acquired before the exercise of the right of membership;

(vii) the appointment by a society of one of its members to represent and vote on its behalf at a meeting of another society of which it is a member;

(viii) the maximum number of shares or portion of the share capital of a society which may be held by an individual member;

(ix) the procedure for the nomination of a person to whom the share or interest of a member on his death may be transferred or the value thereof may be paid;

(x) the mode in which the value of a deceased member's share shall be ascertained;

(xi) the election of members of the committee by the general body of a society;

(xii) the requisitioning of a general body meeting of a society;

(xiii) the remuneration payable to a new committee or administrator or administrators appointed by the Registrar under section 32 or section 33;

(xiv) the qualifications or disqualifications for membership of the committee of a society;

(xv) the qualifications of employees of societies;

(xvi) the prohibition against officers of a society being interested in contracts with the society;

(xvii) the matters connected with the direct and indirect partnership of the Government in societies;

(xviii) the rate at which dividend may be paid by societies;

(xix) the constitution of the Co-operative Education Fund, the payment to be made to the fund by a society out of its net profit and the mode of its investment;

(xx) the mode of investment of funds of a



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society;

(xxi) the objects of the reserve fund of a society and the mode of its investment;

(xxii) the mode of disposal of the reserve fund of a society on its winding up;

(xxiii) the extent to which and the conditions subject to which a society may receive deposits and loans;

(xxiv) the restrictions on transactions by a society with non members;

(xxv) the restrictions on grant of loans by a society against its shares;

(xxvi) the form and standards of fluid resources to be maintained by societies accepting deposits and granting cash credits;

(xxvii) the procedure to be followed in proceedings before the Registrar, arbitrator or other person deciding disputes;

(xxviii) the conditions subject to which the assets of a society shall vest in a liquidator and the procedure to be adopted in the winding up of a society;

(xxix) the procedure for the recovery of amounts due or payable to a society;

(xxx) the mode of making attachment before judgment;

(xxxi) the manner of registering the address of a society;

(xxxii) the account books and registers to be kept by a society, and power of the Registrar to call for any returns or to direct the accounts and books to be written up;

(xxxiii) the manner of certification of entries in the books of a society and of copies of documents kept by it in the course of its business;

(xxxiv) the statements and returns to be furnished by a society to the Registrar;

(xxxv) the restrictions on persons appearing as legal practitioners;



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(xxxvi) the inspection of documents and the levy of fees for granting certified copies thereof;

(xxxvii) the procedure to be followed in, and the fees for, audit and arbitration under this Act; and

(xxxviii) any other matter required or allowed by this Act to be prescribed.

(3) Every rule made under this section shall be laid as soon as may be after it is made before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly agrees that the rule should be either modified or annulled, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Section 109(2) does not specifically take in the power to make rules relating to recruitment of employees in Co-operative Societies, though the residuary clause Section 109(2)(xxxviii) provides for any other matter required or allowed by the Act to be prescribed.

36. Section 80 of the Kerala Co-operative Societies Rules provides for classification of Societies and for



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regulating qualifications and conditions of service of officers and servants of different classes of Co-operative Societies.

Section 80 reads as follows:

**80. Officers, etc. of Co-operative Societies:-**

(1) The Government shall classify the societies in the State according to their type and financial position.

(2) The Government shall, in consultation with the Registrar, fix or alter the number and designation of the officers and servants of the different classes of societies specified in sub-section (1).

(3) The Government shall, make rules either prospectively or retrospectively regulating the qualification, remuneration, allowances and other conditions of service of the officers and servants of the different classes of societies specified in sub-section (1). The appointment shall be regularised only after verifying his/her character and antecedents on subsequent police verification, as may be prescribed.

(3A) Notwithstanding anything contained in this Act or the rules made or orders issued thereunder or in the bye-laws of any society relating to the recruitment and conditions of service of officers and servants of societies, except the Chief Executive of the societies all appointments of officers and servants of the societies mentioned in the Schedule I for which direct recruitment is resorted to shall be made from a select list of candidates furnished by the Kerala PSC and in



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making such recruitment the reservation principles under Rule 14 to 17 of the Kerala State and Subordinate Service Rules, 1958 shall be followed. The appointment of Chief Executive of apex societies shall be made by the Government after fixing qualifications.

(3AA) Notwithstanding anything contained in this Act or any other law, or judgment or order of any court, all appointments already made on the advice by the Kerala Public Service Commission following the reservation principles under Rule 14 to 17 of the Kerala State and Subordinate Service Rules, 1958 to the societies mentioned in the schedule for which direct recruitment shall be resorted to shall be deemed to have been validly done as if such provisions were in force at that time.

(3B) All appointments made by direct recruitment to the societies referred to in sub-section (3A) or on after the 25<sup>th</sup> day of April, 1995 and before the date of publication of the Kerala Co-operative Societies (Amendment) Ordinance, 1995 (Ordinance No.10 of 1995) shall be invalid.

(4) Notwithstanding anything contained in sub-section (1) or sub-section (2), ten per cent of the posts of employees of every society shall be reserved for appointment from persons belonging to the scheduled castes and scheduled tribes where the method of appointment to such posts is by direct recruitment.

(5) Notwithstanding anything contained in sub-section (1) or (2) four percent of the total posts of employees of every society shall be reserved for physically handicapped persons having disability of forty percent or above, as certified by the medical



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board and the procedure of appointment shall be such as may be prescribed.

Provided that in societies where there are more than ten and less than twenty five employees including cadre and sanctioned posts, there shall be reserved a minimum of one employee belonging to physically handicapped persons.

(6) Government shall have power to fix or alter the maximum and minimum limit of establishment expenses of Co-operative Societies including the pay and allowances and other benefits of employees of Co-operative Societies.

Provided that societies run on net loss can give pay and allowances to its employees below the minimum limit fixed by the Government.

(7) Notwithstanding anything contained in the bye-laws, a society shall not pay bonus to its employees exceeding the amount and the rate fixed by the Government or the Registrar from time to time.

(8) Government shall, by order, frame uniform Service Rules and Conduct Rules for the employees of any or all classes of the co-operative societies.

(9) Suspension and disciplinary action in relation to an officer, employee or servant of a co-operative society shall be such, as may be prescribed.

(10) The Government may, on mutually agreed terms and on application of a society, depute a Government servant to the service of the society for the purpose of managing its affairs and the Government servant so deputed shall exercise



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such powers and perform such duties as may be prescribed.”

37. Sub-section (8) to Section 80 provides that Government shall by order frame uniform service Rules and Conduct Rules for the employees of any or all classes of Co-operative Societies. Section 80 is independent of Section 109. It provides for framing Uniform Conduct and Service Rules “by order”. Section 80 does not insist that such Rules framed by Government Orders be published in the Official Gazette. The Government has issued orders impugned in these writ petitions, including those providing for Recruitment Committees for Milk Producers' Unions, in exercise of the powers conferred under Section 80. As the Section does not mandate publication in Official Gazette, the impugned orders cannot be declared illegal on the ground of non-publication in Official Gazette.

38. In fact, requirement of Gazette publication of Rules/Orders passed under Section 80, came up for



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consideration before a Division Bench of this Court in **KPSC v. P.K. Ramesan** [2005 (4) KLT 466]. The Division Bench held as follows:

On the other hand, Section 80(3) of the Kerala Co-operative Societies Act provides that "the Government shall, in consultation with the State Co-operative Union, make rules either prospectively or retrospectively regulating the qualification, remuneration, allowances and other conditions of service of the officers and servants of the different classes of societies specified in sub-section (1)". Sub-section (1) deals with classification of the Societies. The power conferred on Government by sub-section (3) of Section 80 as extracted above does not oblige the Government to notify the Rules so made in order to publish it in the official Gazette, as required in terms of Section 109(1) of the Act.

The argument of the petitioners based on Section 109 is liable to be rejected in the light of the Division Bench judgment also, in **KPSC** (supra).

39. The petitioners argue that classification of Societies as provided in Section 80 of the Kerala Co-operative Societies Act and Rule 182 of the Kerala Co-operative Societies Rules read together would show that a Society



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classified should be included in Appendix III and all appointments made by direct recruitment to such Societies shall be made from a select list of candidates furnished by the Kerala PSC. As long as the Regional Milk Producers' Unions are not included in Appendix III, those Unions cannot be treated differently. If the Unions are included in Appendix III, then the recruitments can be only through Kerala PSC. Therefore, constitution of Recruitment Committees for making appointments to the Regional Milk Producers' Unions is illegal.

40. It may be seen that classification as contemplated under Section 80 should be according to their type and financial position and such classification is basically intended to fix or alter the number and designation of the officers and servants of the different classes of Societies. The constitution of Recruitment Committees for making appointments to the Regional Milk Producers' Unions is not primarily intended for fixing or altering the number and



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designation of the officers and servants of those Unions. It is not a classification according to their type or financial position. Therefore, the arguments of the petitioners are unsustainable.

41. The legislative competency of the State Legislature in introducing Section 80BB in the Act, 1969 is not under challenge. As far as the Thiruvananthapuram Regional Milk Producers' Union Limited is concerned, there are 2219 members in the Union. In the General Body meeting held on 27.01.2018, 406 members participated, out of whom, 404 members supported the proposal to constitute Recruitment Committee. The draft of the Recruitment and Promotion Regulations which also contemplates constitution of Recruitment Committee, emanated from the Apex Society. This is evident from Ext.R3(f) minutes dated 21.10.2020 of the Federation. The respective Regional Unions have amended their bye-laws in order to form Recruitment Committees proposed through the amendments. Therefore, it cannot be



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said that the State Government is usurping the powers of the Regional Milk Producers' Unions in the matter of recruitment. The changes brought about are with the full support and co-operation of the Regional Milk Producers Unions and the Federation.

42. In the facts and circumstances of the case, I do not find any reason to interfere with the action taken by the respondents in forming Recruitment Committees and proceeding with the selection process.

The writ petitions are therefore without any merit and hence dismissed.

Sd/-  
**N. NAGARESH, JUDGE**

aks/02.02.2026



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APPENDIX OF WP(C) NO. 2219 OF 2026

PETITIONERS' EXHIBITS:

- Exhibit P1 A TRUE COPY OF THE GOVERNMENT ORDER DATED 27.04.1979 ISSUED BY THE AGRICULTURAL (ANIMAL HUSBANDRY DEPARTMENT) IN NO. G.O. (P) NO. 183/79/AD
- Exhibit P1(a) A TRUE COPY OF THE ORDER DATED 12.01.2024 PASSED BY THE HON'BLE SUPREME COURT IN SLP(C) NO. 835/2024
- Exhibit P2 A TRUE COPY OF GO(MS) NO. 1/2021/DD ISSUED BY RESPONDENT NO.1 DATED 19.01.2021
- Exhibit P3 A TRUE COPY OF ACT NO. 34/2021 PUBLISHED IN THE GAZETTE NOTIFICATION DATED 14.11.2021 IN NO. 3110/LEG.H2/2021/LAW
- Exhibit P4 A TRUE COPY OF THE NOTIFICATION DATED 11.03.2024 ISSUED BY RESPONDENT NO.3 IN NO. TRU/PER/35/2024 (A)
- Exhibit P5 A TRUE COPY OF THE NOTIFICATION DATED 03.06.2024 ISSUED BY RESPONDENT NO.3 IN NO. TRU/PER/35/2024
- Exhibit P6 A TRUE COPY OF THE ORDER DATED 11.06.2024 PASSED BY THIS HON'BLE COURT IN WP(C) NO. 20753/2024
- Exhibit P7 A TRUE COPY OF THE ORDER DATED 18.09.2025 PASSED BY THIS HON'BLE COURT IN WP(C) NO. 20753/2024
- Exhibit P8 A TRUE COPY OF THE ORDER DATED 05.06.2024 PASSED BY RESPONDENT NO.1 IN NO. G.O. (RT) NO. 73/2024/DD
- Exhibit P9 A TRUE COPY OF THE NOTIFICATION DATED 25.05.2024 ISSUED BY RESPONDENT NO.1 IN NO. G.O. (P) NO. 4/2024 DD
- Exhibit P10 A TRUE COPY OF THE ORDER DATED 07.07.2025 PASSED BY RESPONDENT NO.1 IN G.O. (RT) NO. 112/2025/DD
- Exhibit P11 A TRUE COPY OF THE NOTIFICATION DATED



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09.10.2025 ISSUED BY RESPONDENT NO.4  
IN NO. TRU/PER/1/2025/2673

Exhibit P12 A TRUE COPY OF THE LIST OF BOARD OF  
DIRECTORS AS UPLOADED IN THE WEBSITE  
OF THE RESPONDENT NO.5

Exhibit P13 A TRUE COPY OF THE ORDER DATED  
01.11.2025 ISSUED BY RESPONDENT NO.1  
IN NO. G.O. (RT). NO. 144/2025/DD

Exhibit P14 A TRUE COPY OF THE DETAILED  
NOTIFICATION DATED 03.11.2025 ISSUED  
BY THE 3RD RESPONDENT UNION IN NO.  
TRU/PER/1/2025-35-DETAILED

Exhibit P15 A TRUE COPY OF THE CIRCULAR DATED  
07.11.2025 ISSUED BY 3RD RESPONDENT  
UNION IN NO. TRU:PER:1::2025-26/2019

RESPONDENTS' EXHIBITS:

Exhibit R3(d) A TRUE COPY OF THE RESOLUTION PASSED  
BY THE GENERAR BODY MEETING HELD ON  
27.01.2022

Exhibit R3(e) A TRUE COPY OF THE RELEVANT PAGES OF THE  
BYE-RAWS OF THE 3RD RESPONDENT SOCIETY

Exhibit R3(a) A TRUE COPY OF THE MINUTES OF THE  
MEETING DATED 10/10/2017

Exhibit R3(b) A TRUE COPY OF THE MINUTES OF MEETING  
DATED 27/01/2018

Exhibit R3(c) THE ATTENDANCE PARTICULARS OF THE  
SPECIAL GENERAL BODY MEETING OF THE 3D  
RESPONDENT UNION HELD ON 27.01.2018

Exhibit R3(h) A TRUE COPY OF THE MINUTES OF THE  
MEETING DATED 07.05.2024

Exhibit R3(f) A TRUE COPY OF THE RESOLUTION DATED  
21.10.2020 OF THE KCCMF

Exhibit R3(g) A TRUE COPY OF THE MINUTES OF THE  
MANAGING COMMITTEE MEETING DATED  
23.10.2020

Exhibit R3(i) A TRUE COPY OF THE ATTENDANCE LIST.

Exhibit R4(a) TRUE COPY OF THE RELEVANT PORTION OF  
THE BYELAW OF THE 3RD RESPONDENT.



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APPENDIX OF WP(C) NO. 2316 OF 2026

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- Exhibit P1 A TRUE COPY OF THE GOVERNMENT ORDER DATED 27.04.1979 ISSUED BY THE AGRICULTURAL (ANIMAL HUSBANDRY DEPARTMENT) IN NO. G.O. (P) NO. 183/79/AD
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- Exhibit P9 A TRUE COPY OF THE NOTIFICATION DATED 25.05.2024 ISSUED BY RESPONDENT NO.1 IN NO. G.O. (P) NO. 4/2024 DD
- Exhibit P10 A TRUE COPY OF THE ORDER DATED 07.07.2025 PASSED BY RESPONDENT NO.1 IN G.O. (RT) NO. 112/2025/DD



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- Exhibit P11** A TRUE COPY OF THE NOTIFICATION DATED 09.10.2025 ISSUED BY RESPONDENT NO.4 IN NO. TRU/PER/1/2025/2673 AS PUBLISHED IN MATHRUBUMI DAILY NEWSPAPER ON 09.10.2025
- Exhibit P12** A TRUE COPY OF THE RELEVANT PAGES OF LIST OF BOARD OF DIRECTORS AS UPLOADED IN THE WEBSITE OF THE RESPONDENT NO.5
- Exhibit P13** A TRUE COPY OF THE ORDER DATED 01.11.2025 ISSUED BY RESPONDENT NO.1 IN NO. G.O. (RT). NO. 144/2025/DD
- Exhibit P14** A TRUE COPY OF THE DETAILED NOTIFICATION DATED 03.11.2025 ISSUED BY THE 3RD RESPONDENT UNION IN NO. TRU/PER/1/2025-35-DETAILED
- Exhibit P15** A TRUE COPY OF THE CIRCULAR DATED 07.11.2025 ISSUED BY 3RD RESPONDENT UNION IN NO. TRU:PER:1::2025-26/2019
- Exhibit P16** A TRUE COPY OF THE APPLICATION SUBMITTED BY PETITIONER NO.4 ALONG WITH THE COPY OF THE DEMAND DRAFT DATED 16.03.2015.