



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2015

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Appeal(MD) No.1429 of 2011

Krishnasamy

... Appellant

Vs.

The Special Officer/Joint Registrar
of Co-operative Societies,
R.K.10, Virudhunagar District,
Central Cooperative Bank Ltd.,
Virudhunagar

... Respondent

Writ Appeal filed under Clause 15 of the Letters Patent against the orders dated 10.11.2011 made in W.P.(MD)No.13997 of 2009.

Prayer in WP(MD). 13997/ 2009 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue an order or direction or writ, most specifically the Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the respondent issued in his reference Na.Ka.E.1/106/2007-2008 dated 18.10.2008 and dated 19.05.2009 and 31.07.2009 and quash the same and direct the respondent to issue the appointment order to the petitioner appointing him and posting him as Assistant in the scale of pay applicable to the post from the date on which appointment orders were issued to other candidates who appear for no examination and to pay the petitioner the consequential arrears arising thereon with all attendant benefits.

For Appellants : Mr.K.Vellaiswamy

For Respondent : Mr.D.Shanmugarajasethupathi

JUDGMENT

(Judgment of the Court was delivered by **V.RAMASUBRAMANIAN, J**)

The writ appeal arises out of the dismissal of a writ petition against a co-operative society on the ground that it was not maintainable.

2.Heard Mr.K.Vellaisamy, learned counsel for the appellant and Mr.D.Shanmugarajasethupathy, learned counsel for the respondent.

<https://hcservices.ecourts.gov.in/hcservices/>

3.The appellant applied for appointment to the post of Assistant in the respondent co-operative society. He was selected for appointment

on the basis of the information furnished by him in the application form.

4. Later it was found out that he was already appointed in another co-operative society and dismissed from service. This information had been suppressed by him. Therefore, his selection was cancelled by the respondent. Challenging the cancellation of his selection, the appellant filed a writ petition in W.P(MD)No.13997 of 2009. It was dismissed by the learned single Judge on the ground that as per the Five Judges Bench decision of this Court in **K.Marappan Vs. The Deputy Registrar of Co-operative Societies, 2006 (4) CTC 689**, the writ petition was not maintainable.

5. We find nothing wrong in the order of the learned Judge. It is in tune with the Larger Bench decision of this Court. Hence, the writ appeal is dismissed. No costs.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

sms

To,

The Special Officer/Joint Registrar
of Co-operative Societies,
R.K.10, Virudhunagar District,
Central Cooperative Bank Ltd.,
Virudhunagar

+1CC to Mr.K.Vellaiswamy Advocate Sr.No.70172

+1CC to Mr.D.Shanmugaraja Sethupathi Advocate Sr.No.69965

+1CC to Spl.Government Pleader Sr.No.70396

GJM/GSV/AN/23.12.2015-2P-5C

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