

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2016

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.Nos.11862 to 11864 / 2016 and 16779/2015

S.Rajeswari	.. Petitioner	in WP.No.11862/2016
A.Mohamed Thajullah	.. Petitioner	in WP.No.11863/2016
M.Sathishkumar	.. Petitioner	in WP.No.11864/2016
A.H.Aamine	.. Petitioner	in WP.No.16779/2015

Vs

- 1.The Government of Tamil Nadu,
Rep. By the Secretary to Government,
Department of Cooperation Food and Consumer,
Fort St. George,
Chennai - 600 001.
- 2.The Registrar of Cooperative Society,
NVN Maligai,
No.170, EVR High Road,
Kilpauk, Chennai - 600 010.
- 3.The Joint Registrar,
Law and Training/Controller of Examination,
District Staff Recruitment Bureau
Office of the Registrar of Cooperative Societies,
NVN Maligai, No.170, EVR High Road,
Kilpauk, Chennai - 600 010.
- 4.The Chairman,
State Recruitment Bureau,
Office of Registrar of Cooperative Societies,
NVN Maligai, No.170, EVR High Road,
Kilpauk, Chennai - 600 010. .. Respondents in all WPs
- 5.Vellore District Central Cooperative Bank Limited,
Rep. By its Secretary,
Vellore. ... 5th respondent in
W.P.No.11862/2016

6.Pollachi North Primary Cooperative
Agricultural & Rural Development Bank,
Rep. By its Secretary,
Coimbatore.

... 5th respondent in
W.P.No.11863/2016

7.Coimbatore District Central Cooperative Bank Limited,
Rep. By its Secretary,
Coimbatore.

... 5th respondent in
W.P.No.11864/2016

8.Tamil Nadu Cooperative Union Institutions,
No.170, NV, Natarajan Maligai,
Periyar EVR High Road,
Kilpauk, Chennai - 600 0010.

... 5th respondent in
W.P.No.16779/2015

Prayer in W.P.Nos.11862 to 11864 of 2016 : Writ Petitions filed under Article 226 of the Constitution of India seeking a writ of certiorari to call for the records of the third respondent in connection with the proceedings bearing reference No.Na.Ka.04/2014/AaCheNi, dated 30.03.2015 and quash the same insofar as para 4 and 6 of the impugned proceedings issued to the petitioners.

Prayer in W.P.No.16779 of 2015: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the respondent to comply with the terms of employment notification of the 4th respondent published in the newspaper of 02.11.2012 and not to cancel the selection of the petitioner modifying the terms of the aforesaid employment notification.

In All Writ Petitions:

For petitioners : Mr.V.Prakash, SC
for M/s.K.Sudalaikannu

For Respondents : Mr.P.H.Aravindh Pandian, AAG,
Assisted by Mr.L.P.Shanmuga Sundaram, Spl.GP

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COMMON ORDER

By way of filing these writ petitions, the petitioners seek to quash the impugned proceedings dated 30.03.2015 of the third respondent, in and by which, the third respondent directed the petitioners to give a bond on a Rs.20/- non-judicial stamp paper with an undertaking that they would complete the Diploma in Cooperation within one year from the Institute of Cooperative Management Centre run by the Tamil Nadu Cooperative Union or

National Cooperative Union, Chennai or Madurai.

2. Heard the learned Senior counsel appearing for the petitioner as well as the learned Additional Advocate General appearing for the respondents.

3. The petitioners took part in the written examination conducted by the respondent Society for the post of Assistant in various Cooperative Institution in the State. At that time of selection, they did not possess the requisite qualification of Diploma in Cooperative Management. However, notification dated 02.11.2012 issued by the fourth respondent clearly stated that the candidates, who have not acquired the Diploma in Cooperation, can also apply for the said post, but, such candidates will have to complete the said Course within two years from the date of selection through correspondence course.

4. Aggrieved by such condition, when some of the candidates preferred SLP No.17977/2014, the Hon'ble Apex Court, vide its judgment dated 28.11.2014, held that the Cooperative training is not a condition precedent for selection, but, it is only a condition precedent for appointment and on that basis, it was made clear to make a selection requiring the selected candidates to undergo training and to appoint them on the successful completion of the prescribed training.

5. When such being the legal position, although all the petitioners, who have been directed to execute a bond on a Rs.20/- non-judicial stamp paper with an undertaking that they would complete the Diploma in Cooperation within one year as mentioned in paragraph 4 & 6 of the impugned proceedings, during the pendency of the writ petitions challenging the paras 4 & 6, all the petitioners in these writ petitions have acquired the Diploma in Cooperation, therefore, in view of the fact that they have acquired the requisite qualification for appointment to the post of Assistant in various Cooperative Training Institutes, this Court has no impediment to direct the respondents to appoint them in the post of Assistant. Accordingly, the respondents are directed to appoint the petitioners in these writ petitions to the post of Assistant, subject to the verification of genuineness of their educational certificates. It is also made clear that such direction of this Court should not be treated and used as precedent in future cases, as time limit to fill up the vacancies has been over now.

6. With the above directions, these writ petitions stand disposed of. No Costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

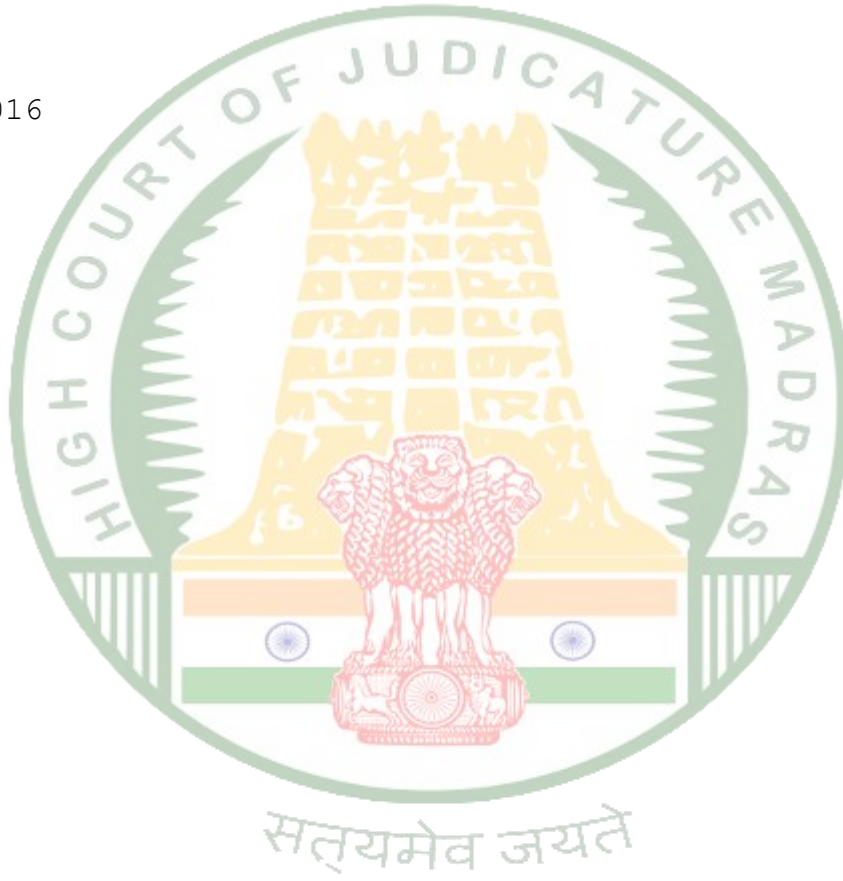
To

- 1.The Government of Tamil Nadu,
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- 2.The Registrar of Cooperative Society,
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District Staff Recruitment Bureau
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- 5.Vellore District Central Cooperative Bank Limited,
Rep. By its Secretary, Vellore.
- 6.Pollachi North Primary Cooperative
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No.170, NV, Natarajan Maligai,
Periyar EVR High Road,
Kilpauk, Chennai - 600 0010.

+1 cc to Mr.K.Sudalaikannu Advocate sr.29930

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