

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 31.08.2017
CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
W.P.No.11004 of 2017

A.Ramki ... Petitioner
Vs.

1. The Joint Registrar
O/o. the Joint Registrar of Co-operative Societies
Krishnagiri
Krishnagiri District.
2. The President
Agricultural Co-operative Society,
Singarapettai, Uthangarai Taluk,
Krishnagiri District. ... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first and second respondents to provide job to him under compassionate appointment based on his representation dated 13.12.2015.

For Petitioner : Mr.I.Siddiq & K.Aswin
For M/s.Dass & Viswa Associates

For Respondents: Mr.L.P.Shanmugasundaram
Special Government Pleader (Co-op)

O R D E R

The writ petitioner has filed this writ petition for a direction to direct the respondents 1 and 2 and provide a job to him under compassionate appointment based on his representation dated 17.07.2015.

2.The learned counsel appearing for the writ petitioner submits that the father of the writ petitioner was working in a fair price shop under the control of the second respondent / Agricultural Co-operative Society.

3.The learned counsel is unable to substantiate, whether the compassionate appointment scheme issued by the Government will be directly applicable to the employees of the Co-operative Society or not? Even in such case the appointment authority for the employees of the Co-operative Society is Board/Special Officer under the provisions of the Tamil Nadu Co-operative

Societies Act.

4.The writ petitioner was working in the second respondent co-operative society, which is not a State within the meaning of Article 12 of the Constitution of India. Thus, the writ against a Co-operative Society cannot be entertained under Article 226 of the Constitution of India, in view of the Legal Principles laid down by the Larger bench of this Court in K.Marappan and Ors. Vs. the Deputy Registrar of Co-operative Societies reported in 2006(4) CTC 689, held that no writ will lie against a Co-operative Society. It is for the writ petitioner to work out his remedy by filing an appropriate petition before the competent authority under the provisions of the Tamilnadu Co-operative Societies Act, 1983. In view of the precedent stated supra, this Court is not inclined to consider the grounds raised in this writ petition.

5. Accordingly, the writ petition shall stand dismissed as not maintainable. However, there is no order as to costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

maya/tkp

To

1. The Joint Registrar
O/o. the Joint Registrar of Co-operative Societies
Krishnagiri
Krishnagiri District.

2. The President
Agricultural Co-operative Society,
Singarapettai, Uthangarai Taluk,
Krishnagiri District.

+1 cc to M/s.L.P.Shanmugasundaram Advocate sr 63314
+1 cc to M/s.Dass & Viswa Advocate Associates sr 62957
+1 cc to the Govt Pleader High Court Madras sr 63339

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