

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.30124 of 2010

and

M.P.No.1 of 2010

A.Thamillalagan

.. Petitioner

vs

1.The Registrar of Co-operative Societies,
N.V.N. Maligai No.110, E.V.R.High Road,
Chennai - 600 010.

2.The Joint Registrar/The Special Officer,
S 151 Salem Central Co-operative Bank,
Cherry Road, Salem - 636 001.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent to appoint the Petitioner to the post of Assistant by accepting his Application dated 29.06.2010 from the date of appointment of his juniors with seniority, service, attendant and monetary benefits.

For Petitioner : No appearance

For R1 : Mr.L.P.Shanmugasundaram
(Co-operative),
Special Government Pleader.

For R2 : Mr.M.R.Raghavan

ORDER

The relief sought for in this writ petition is for seeking to issue a direction to the 2nd respondent to appoint the petitioner to the post of Assistant, by accepting his application dated 29.06.2010 from the date of appointment of his Juniors with seniority, service, attendant and monetary benefits.

2.The affidavit filed in support of the writ petition states that the petitioner has completed SSLC in April 1994 and Twelfth (+2) standard in June 2002 in 3 attempts. He completed his under graduation in Bachelor of Commerce (B.Com) in December 2007 in Second Class from Annamalai University through correspondence education. The petitioner states that he is fully qualified for appointment to the post of Assistant in Salem Central Co-operative Bank. The claim of the writ petitioner is that his application submitted for appointment ought to have been considered by the respondents.

3.The learned counsel appearing on behalf of the second respondent says that application seeking appointment was considered and the same was rejected. Thus, the claim of the writ petitioner is not in accordance with law and therefore, the writ petition has to be rejected.

4.Appointment can never be claimed as a matter of right. The petitioner has to establish his legal right for appointment in accordance with law. In the case on hand, the petitioner has not established any such right or any irregularity or illegality or malpractice in the process of selection. In the absence of any legal grounds, no such direction for providing appointment can be issued by the High Court under Article 226 of the Constitution of India.

5.Further, the writ petitioner seeks appointment in Salem Co-operative Bank, as an employee of the Affiliated Co-operative Society registered under the provisions of the Tamil Nadu Co-operative Societies Act, 1983. Any writ petition filed against the Co -operative Society will not be entertained in view of the larger Bench Judgment of this Court reported in Marappan vs Deputy Registrar reported in 2006 (4) CTC 689.

6.Thus, the writ petition cannot be entertained and the remedy lies before the provisions of Tamil Nadu Co-operative Society Act itself. In view of the legal Principles stated in respect of maintainability of the writ petition and also on merits the relief as such sought for cannot be granted.

Accordingly, the Writ Petition stands dismissed on account of both the grounds on maintainability as well as on merits. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Deputy Registrar(CS)

//True Copy//
Sub Assistant Registrar

sts/msrm

To

The Registrar of Co-operative Societies,
N.V.N. Maligai No.110, E.V.R.High Road,
Chennai - 600 010.

+ 1 cc to Mr. R. Raghavan, Advocate SR.84550
+ 1 cc to Government Pleader SR.85123

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Dr.CS
EU(09/01/2018)



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