

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.18825 of 2016

M.Pavithra

.. Petitioner

-vs-

1. The Registrar of Co-operative Societies
No.170, EVR Periyar High Road
Kilpauk
Chennai 600 010
 2. The Joint Registrar of Co-operative Societies
Dharmapuri Region
Dharmapuri Town and District
 3. The Deputy Registrar/Managing Director
The Dharmapuri Co-operative Town Bank Ltd.,
No.63A, Duraisamy Naidu Street
Dharmapuri 636 702
- .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, to call for the records in proceedings Nil dated 25.11.2015 on the file of the third respondent and quash the same as illegal, incompetent and without jurisdiction and further to direct the third respondent to regularize the service of the petitioner from the date of her appointment in accordance with law.

For Petitioner :: Mr.S.C.Vishwanth

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

ORDER

The order of rejection in respect of regularisation of the services of the writ petitioner issued by the third respondent in proceedings dated 25.11.2015 is under challenge in this writ petition.

2. The learned counsel for the writ petitioner submits that the writ petitioner was appointed on compassionate grounds in the third respondent/ Co-operative Town Bank and proposals were submitted for regularising the services of the writ petitioner and the third respondent Bank passed an order

rejecting the benefit of regularisation. However, the third respondent is a co-operative society registered under the provisions of the Tamil Nadu Co-operative Societies Act, 1983. A co-operative society is not a "State" within the meaning of Article 12 of the Constitution of India. Thus, no writ will lie against a co-operative society, in view of the legal principles settled by a larger Bench of this Court in the case of K.Marappan v. Deputy Registrar of Co-operative Societies, 2006 (4) CTC 689. Remedy lies to the writ petitioner by way of a revision petition under Section 153 of the Tamil Nadu Co-operative Societies Act. After exhausting the remedy available under the Act, a writ may be entertained. Accordingly, the writ petition stands dismissed as not maintainable. Consequently, W.M.P.Nos.16429 of 2016 and 20826 of 2017 are also dismissed. However, no order as to costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Registrar of Co-operative Societies
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2. The Joint Registrar of Co-operative Societies
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Dharmapuri 636 702

+1 C.C. to MR.S.C.VISWANATH Advocate SR.NO.65136

+1 C.C. to MR.L.P.SHANMUGASUNDARAM Advocate SR.NO.65085

+1 C.C. to The Government Pleader SR.NO.65387

W.P.No.18825 of 2016

NM(CO)
VS 06.10.2017