

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.36651 of 2015

and

M.P.No.1 of 2015

J. Anitta Rajbai

...Petitioner

Vs.

1.The Registrar of Co-operative Societies

N V Natarajan Maaligai,
170 Periyar EVR High Road,
Kilpauk, Chennai - 600 010.

2. The Joint Registrar of Cooperative Societies,
Palayamkottai, Tirunelveli - 600 002.

3. The Deputy Registrar of Cooperative Societies,
Cheranmahadevi, Ambasamuthram Taluk,
Tirunelveli District.

4. The President,
E.E.420, Sivasubramaniapuram Primary Agricultural
Co-operative Society, Sivasubramaniapuram,

Tirunelveli District ...Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st respondent to issue suitable and appropriate direction to the 2nd respondent to approve the proposal of the 4th respondent dated 12.07.2014, with regard to approval of permanent absorption of the petitioner as clerk cum Secretary (in charge) w.e.f.12.04.2012, in the light of the circular of the 1st respondent dated 14.12.2009, on the basis of the representation of the petitioner dated 27.10.2015.

For Petitioner : Mr.S.N.RAvichandran

For Respondents 1-3 : Mr.L.P.Shanmugasundaram
(Special Government Pleader)

For Respondent -4 : Mr. Arunkumar

O R D E R

The relief sought for in this writ petition is for a direction for the 1st respondent to issue suitable and appropriate direction to the second respondent to approve the proposal of the 4th respondent dated 12.07.2014 with regard to approval of permanent absorption of the petitioner as clerk cum Secretary in charge w.e.f 12.04.2012, in the light of the circular of the 1st respondent dated 14.12.2009 on the basis of the representation of the petitioner dated 27.10.2015.

2. At the outset the writ petitioner seeks a relief of permanent absorption as clerk cum Secretary(in charge) with effect from 12.04.2012 in the 4th respondent society.

3. The learned counsel appearing for the writ petitioner, submits that the 4th respondent has already passed the resolution for the absorption of the writ petitioner, no action has been taken by the competent authority to pass orders. Further, the relief sought for by the writ petitioner is against the 4th respondent for permanent absorption and the fourth respondent being the state within the meaning of Article 12 of the Constitution of India, the writ petition cannot be entertained with this prayer.

4. However, it is left open to the writ petitioner to prefer the Revision Petition under Section 153 of the Tamil Nadu Co-operative Societies Act to redress her grievances. In the event of filing the revision petition under section 153 of the Co-operative Societies Act. It is left open to the competent authority to consider the same and pass orders in accordance with law. However, this Court cannot issue any such direction as such sought in this writ petition, in view of the Larger Bench decision of this Court in K.Marappan Vs. The Deputy Registrar of Co-operative Societies, Namakkal (2006 (4) CTC 689).

5.Thus, the Writ Petition deserves no further consideration and accordingly the Writ Petition dismissed as not maintainable. However, no order as to costs and consequently, connected miscellaneous petition is closed.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

- 1.The Registrar of Co-operative Societies
N V Natarajan Maaligai,
170 Periyar EVR High Road,
Kilpauk, Chennai - 600 010.
 2. The Joint Registrar of Cooperative Societies,
Palayamkottai, Tirunelveli - 600 002.
 3. The Deputy Registrar of Cooperative Societies,
Cheranmahadevi, Ambasamuthram Taluk,
Tirunelveli District.
 4. The President,
E.E.420, Sivasubramaniapuram Primary Agricultural
Co-operative Society, Sivasubramaniapuram,
Tirunelveli District.
- +1cc to MR.S.N.Ravichandran, Advocate SR.No.68953
+1cc to T.P.Savitha, Advocate SR.No.68664
+1cc to Government Pleader SR.No.69521

SDR 10.10.2017

W.P.No.36651 of 2015

सत्यमेव जयते

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