

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2017

CORAM

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

W.P.No.38871 of 2015

P.Murugan

... Petitioner

Vs

1.The Deputy Registrar of
Co-operative Societies,
Cuddalore,
Cuddalore District.

2.The President,
II-590, Lakkur Primary Agricultural
Co-operative Society,
Thittakudi Taluk,
Cuddalore District.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the 2nd respondent to consider the representation of the petitioner dated 15.10.2015 and to pass orders and thereby appoint him into service to the said post of "Salesman" in the 2nd respondent society within a time frame.

For Petitioner : No appearance

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

O R D E R

The relief sought for in this writ petition is for a direction to the second respondent to consider the representation submitted by the writ petitioner on 15.10.2015 and pass orders and thereby appoint him into service to the said post of "Salesman" in the second respondent society within a time frame.

2. Heard Mr.L.P.Shanmugasundaram, learned Special Government Pleader (Co-operative Societies) appearing for the respondents and none appeared on behalf of the writ petitioner.

3.The second respondent is a Co-operative Society registered under the provisions of the Tamil Nadu Government Co-operative Societies Act and recruitment procedure are

contemplated under Section 74 of the Tamil Nadu Government Co-operative Societies Act and the service conditions of the employees of the Co-operative Societies are governed under Rule 149 of the Tamil Nadu Co-operative Societies Rules. Apart from this special bye-laws are approved by the Registrar in this regard. Thus, the appointments are to be made in accordance with Act, Rules and the bye-laws in this regard. This Court cannot issued any direction in this regard to provide appointment to the petitioner which will be contrary to the Act and the Rules. It is for the writ petitioner to participate in the open competitive process and he can be selected thereafter. This apart, the relief sought for is against the second respondent Co-operative Society and the Co-operative Society being not a State within the meaning under Article 12 of the Constitution of India. No writ can be entertained in view of the principles laid down by the larger bench of this Honourable High Court in the case of K. MARAPPAN VS. DEPUTY REGISTRAR OF COOPERATIVE SOCIETIES, NAMAKKAL reported in 2006 (4) CTC 689. Thus, no further consideration is required on the grounds in this writ petition.

4. Accordingly, the writ petition stands dismissed as not maintainable. However, no order as to costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ms

To

1.The Deputy Registrar of Co-operative Societies,
Cuddalore,
Cuddalore District. सत्यमेव जयते

2.The President,
II-590, Lakkur Primary Agricultural
Co-operative Society,
Thittakudi Taluk,
Cuddalore District.

+ 1 cc to M/s. L.P. Shanmugasundaram, Advocate SR.70775

W.P.No.38871 of 2015

SV(CO)
EU(27/10/2017)