

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.12.2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.33002 of 2005
and
W.M.P.No.35950 of 2005

N.Gunasekaran

..Petitioner

..Vs..

The Deputy Registrar of Co-operative Societies,
Dharmapuri Circle,
Dharmapuri District. .. Respondent

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the entire records relating to the impugned order passed by the respondent in his proceedings Na.Ka.No.279/2005/Tho.Va. Dated 08.09.2005 and quash the same.

For Petitioner : Mr.C.Prakasam

For Respondent : Mrs.T.Girija
Government Advocate
(Co-operative Society)

O R D E R

The show cause notice dated 08.09.2005 issued by the respondent directing the writ petitioner to submit his explanations in respect of the appointments within a period of seven (7) days is under challenge in the present writ petition.

2. The writ petitioner states that, he was appointed as a salesman on 15.12.1997 in S-749 Sandhapatti Primary Agricultural Co-Operative Bank. The petitioner claims that he is fully qualified for appointment to the post of salesman and with reference to the G.O.Ms.No.86, Co-operation, Food and Consumer

Protection Department dated 12.03.2001. The writ petitioner is entitled to avail the benefit of the exemption from sponsoring of his name through employment exchange.

3. The issues in relation to the appointment of employees in the Co-operative Institutions across the State had been settled by this Court in L.Justine Vs. Registrar of Cooperative Societies, reported in (2002) 4 CTC 369. The matter went up to the Hon'ble Supreme Court of India and the issues are settled. Pursuant to the orders of the High Court and the Hon'ble Supreme Court of India, the respondent issued show cause notice in proceedings dated 08.09.2005 providing an opportunity to the writ petitioner to submit his objections / explanations in respect of his appointment. Instead of submitting his explanation, the writ petitioner has chosen to file the present writ petition challenging the show cause notice. No writ petition can be entertained against a show cause notice in a routine manner. The writ petitioner has to avail the opportunity by submitting his explanations enabling the authorities to take a decision and pass orders.

4. The learned Government Advocate appearing on behalf of the respondent states that the writ petitioner is not qualified for appointment and he did not possessed any requisite educational qualifications as per the by laws in force. This being the submission, this Court is of an opinion that, it is left open to the writ petitioner to submit his explanations if any, with reference to the show cause notice and in the event of receiving any such explanations the authorities have to consider the same and pass orders on merits and in accordance with law.

5. With these observations, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

pns/pkn

To

The Deputy Registrar of Co-operative Societies,
Dharmapuri Circle,
Dharmapuri District.

+1cc to M/s.Prakasam, Advocate SR.No.86460

+1cc to Government Pleader SR.No.86688

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and
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RK(CO)
GMY(11/01/2019)



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