

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.22416 OF 2007

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus declaring the proceedings dated 22.9.2007 in Memo No.3177/F.II(1)/2004-4 on the file of the 1st respondent and the order dated 8.4.1999 in Proceedings No.638/98/E on the file of the 3rd respondent as illegal, arbitrary and contrary to the provisions of Section 19(2)(A) and Model Bye laws of A.P. Co-operative Societies Act, and to set aside the same.
2. Heard Sri K. Raghuvveer Reddy, learned Counsel for the petitioner and the learned Government Pleader for Fisheries.
3. It has been submitted by the learned Counsel for the petitioner that the petitioner is a registered society, and aggrieved by the orders passed by the authorities of Co-operative Societies admitting 240 persons as members of the petitioner-society, without consent of the petitioner-society and without subjecting them to skill test, the present writ petition is filed. Further, it has been submitted that on 26.10.2007 while admitting the writ petition, this Court directed the 3rd respondent to conduct a skill test to 240 persons in whose favour the impugned orders have been passed, and while directing so, this Court held that the petitioner shall admit the persons, whoever pass the skill test, without any further objection. It has been submitted that the official respondents conducted skill test to 162 persons in compliance with the orders passed by this Court dated 26.10.2007 and in the said skill test, only 21 persons have qualified and therefore, the society has no objection for admission of 21 persons, who

have qualified in the skill test, into the society as members, and that the persons, who have not qualified in the said skill test, are not entitled to get membership of the petitioner-society. Further, it has been submitted by the learned Counsel for the petitioner that there is a continuous process for getting membership in the petitioner-society and the persons, who seek membership of the petitioner-society, are entitled to get the same subject to qualifying the skill test.

4. The learned Government Pleader submits that 125 members have qualified in the skill test, but the petitioner-society deliberately has not accepted them as members.

5. Perused the material available on record. It is the case of the petitioner that only 21 persons have qualified in the skill test whereas it is the case of the respondents that 125 members have qualified. Except stating that 125 members have qualified in the skill test, the respondents have not placed any material before this Court to establish the same. Therefore, considering the fact that only 21 members have qualified in the skill test conducted in the presence of committee members of the petitioner-society, this writ petition can be disposed of with a direction to the petitioner-society to admit them into the society.

6. Accordingly, the Writ Petition is disposed of directing the petitioner-society to admit 21 persons, who qualified in the skill test, into the society as members, in accordance with law. It is needless to say that the petitioner-society shall consider the applications of the persons, who seek membership of the society and who are successful in the skill test, and admit them into the society. The order dated 8.4.1999 of the 3rd respondent and the proceedings dated 22.9.2007 of the 1st respondent,

under which unqualified persons were said to have been inducted into the petitioner-society, are hereby set aside. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

(ABHINAND KUMAR SHAVILI,J)

21st March, 2018
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