

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.No.26539 of 2011  
and W.M.P.No.3756 of 2017  
M.P.No.1 of 2011

E.Ravichandran

.. Petitioner

Vs.

1.The Joint Registrar of Co-operative Societies  
Villupuram Region, Villupuram  
Villupuram District.

2.The President  
1.1.95 Gingee Primary Agricultural  
Co-operative Credit Society Ltd.,  
Gingee Taluk, Villupuram District.

(R2 is impleaded as per order dated  
05.05.2017 in W.M.P.No.33769/2016

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the  
Constitution of India, praying for issuance of a writ of  
Certiorari calling for entire records relating to the impugned  
order passed by the respondent in his proceedings  
Na.Ka.No.11878/2006 Vae.Sae.Sa., dated 21.09.2010 and quash the  
same.

For Petitioner : Mr.C.Prakasam

For R1 : Ms.T.Girija  
Government Advocate

For R2 : Mr.L.P.Shanmugasundaram  
Special Govt. Pleader

O R D E R

Writ Petition is filed for issuance of a writ of Certiorari  
calling for entire records relating to the impugned order passed  
by the 1<sup>st</sup> respondent in his proceedings Na.Ka.No.11878/2006  
Vae.Sae.Sa., dated 21.09.2010 and quash the same.

2(i).The learned counsel appearing for the petitioner contended that the petitioner was appointed as a clerk in the service of the 2nd respondent society in the year 1990. At the time of appointment, he was possessing B.A. degree in Corporate Secretaryship. Subsequent to his appointment, the 2nd respondent has passed a resolution permitting the petitioner to pursue certificate course in co-operative training in Cuddalore Co-operative Training Institute through correspondence course. The 2nd respondent also recommended the petitioner's case to the said institute. As per the permission given by the 2nd respondent, the petitioner obtained certificate in co-operative training in the year 1993 through correspondence course. In spite of the petitioner possessing all the qualification for appointment as a clerk, the 2nd respondent did not regularise the service of the petitioner.

2(ii).The Deputy Registrar of Co-operative Societies passed an order on 27.02.2005 and issued a show cause notice proposing to remove the service of the petitioner on the ground that he does not possess requisite educational qualification for the post of clerk. The petitioner filed W.P.No.17067 of 2005 before this Court. The Division Bench of this Court, considering the above said writ petition along with other writ petitions challenging the show cause notice and termination order, by order dated 20.11.2006 directed the Registrar of Co-operative Societies to implement the decision of the Government as per the proceedings of the Registrar of Co-operative Societies in Na.Ka.No.e/f/128691/2006, bjhnntt 1, dated 25.10.2006 and the proceedings of the Government Co-operative and Consumer Department letter No.22322/Ag/1/2005-7, dated 02.11.2006, addressed to the Registrar, Co-operative Societies, Chennai-10. The Division Bench also gave liberty to the employees to give representation. The petitioner gave representation on 24.12.2007. The 1<sup>st</sup> respondent did not pass any order and hence, the petitioner filed W.P.No.14387 of 2010 for a mandamus directing the respondent to dispose of the representation of the petitioner dated 24.12.2007. This Court, by order dated 06.07.2010 disposed of the writ petition directing the 1<sup>st</sup> respondent herein to consider the representation of the petitioner dated 24.12.2007 and pass orders in accordance with law within a period of eight weeks from the date of receipt of a copy of that order. On receipt of the said order, the 1<sup>st</sup> respondent by the impugned order dated 21.09.2010 rejected the representation of the petitioner for regularisation of his service on the ground that the petitioner did not possess requisite educational qualification at the time of his appointment.

2(iii).The learned counsel appearing for the petitioner

further contended that the 2<sup>nd</sup> respondent permitted the petitioner to undergo co-operative training by correspondence course and the petitioner had obtained certificate in co-operative training through correspondence course in the year 1993-1994. In view of the same, the reason given by the 1<sup>st</sup> respondent in the impugned order is liable to be set aside.

3.Originally, the petitioner filed writ petition only against the 1<sup>st</sup> respondent. The 2<sup>nd</sup> respondent filed W.M.P.No.33769 of 2016 to implead the 2<sup>nd</sup> respondent in the writ petition. This Court by order dated 05.05.2017 ordered the said W.M.P. and the 2<sup>nd</sup> respondent was impleaded as party in the writ petition. The 2<sup>nd</sup> respondent made various averments and contentions in the affidavit filed in support of the impleading petition filed in W.M.P.No.33769 of 2016 stating that the petitioner is not entitled for regularisation of his service on various grounds mentioned therein.

4.At the time of hearing, the learned Special Government Pleader appearing for the 2<sup>nd</sup> respondent as well as Ms.T.Girija, the learned Government Advocate appearing for the 1<sup>st</sup> respondent contended that the petitioner did not possess prescribed educational qualification on the date of his appointment and therefore, impugned order passed by the 1<sup>st</sup> respondent is valid and legal and prayed for dismissal of the writ petition.

5.Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the 1<sup>st</sup> respondent, the learned Special Government Pleader appearing for the 2<sup>nd</sup> respondent and perused the materials available on record.

6.From the materials available on record, it is seen that when the petitioner was appointed in the year 1990 as a clerk, he possessed only B.A. degree in Corporate Secretaryship and he did not possess certificate in co-operative training. The 2<sup>nd</sup> respondent permitted the petitioner to undergo certificate course in co-operative training through correspondence course at Cuddalore Co-operative Training Institute and recommended the case of the petitioner to the said institute. The petitioner completed the certificate course successfully and obtained certificate in co-operative in the year 1993-1994. Though the petitioner obtained requisite qualification, his service was not regularised. Failure on the part of the respondents in not regularising the service of the petitioner on the ground that he did not possess certificate in co-operative at the time of appointment, is not valid and legal. Having permitted the petitioner to undergo certificate course in co-operative training, it is not open to the respondents to reject the

request of the petitioner to regularise his service after the petitioner had acquired requisite educational qualification. The reason given by the 1<sup>st</sup> respondent is not valid and legal.

7.For the above reason, the writ petition is allowed. The impugned order of the 1<sup>st</sup> respondent is set aside and the respondents are directed to regularise the service of the petitioner from the date from which he obtained requisite certificate course in co-operative with all attendant benefits. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

1.The Joint Registrar of Co-operative Societies  
Villupuram Region, Villupuram  
Villupuram District.

+1cc to Mr.L.P.Shanmugasundaram Advocate, S.R.No.66184

+1cc to Mr.C.Prakasam Advocate, S.R.No.66271

+1cc to the Spl Government Pleader, S.R.No.66299

SR(CO)  
CB(03/09/2019)

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and W.M.P.No.3756 of 2017  
M.P.No.1 of 2011

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