IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2019

C O R A M

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.750 to 752 of 2018
and
W.M.P.Nos.907 to 912 of 2018

W.P.No.750 of 2018

Nerinjipettai Primary Agricultural
Co-operative Society Limited,
No.3324, Nerinjipettai,
Anthiyur Taluk,
Erode District,
Represented by its President
N.R.Chandrasekaran. ...Petitioner

Vs.

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

2.The Chairman,
District Recruitment Bureau,
Erode District,
Office of the Joint Registrar of Co-operative Societies,
Erode Region, Erode.

... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records relating to the notification which was published in Daily Thanthi dated 25.11.2017 on the file of the 2nd respondent quash the same.

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W.P.No.751 of 2018

A.A.533, Umareddiyur Primary Agricultural Co-operative
Credit Society Ltd.,
Umareddiyur - 638 311,
Anthiyur Taluk,
Erode District,
Represented by its President
C.N.Balasubramaniam. ...Petitioner

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Vs.

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

2.The Chairman,
District Recruitment Bureau,
Erode District,
Office of the Joint Registrar of Co-operative Societies,
Erode Region, Erode.

... Respondents

PRAYER:
Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records relating to the notification which was published in Daily Thanthi dated 25.11.2017 on the file of the 2nd respondent quash the same.

W.P.No.752 of 2018

M.P.Balakrishnan,
S/o.Palanivel Gounder,
Member,
No.K.757, Manickampalayam Primary
Agricultural Co-operative Credit Society Ltd.,
Manickampalayam,
Kadappanallur,
Bhavani Taluk, Erode District. ...Petitioner

Vs.

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

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2.The Chairman,
District Recruitment Bureau,
Erode District,
Office of the Joint Registrar of Co-operative Societies,
Erode Region, Erode.

https://hcservices.ecourts.gov.in/hcservices/

3.No.K.757, Manickampalayam Primary
Agricultural Co-operative Credit Society Ltd.,
Manickampalayam,
Kadappanallur,
Bhavani Taluk, Erode District.
Represented by its President. ... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records relating to the notification which was published in Daily Thanthi dated 25.11.2017 on the file of the 2nd respondent quash the same.

For Petitioner :Mr.V.Elangovan
all Wps.

For Respondents :Mr.L.P.Shanmughasundaram
all Wps Learned Special Government Pleader

C O M M O N O R D E R

The recruitment notification published in Daily Thanthi dated 25.11.2017 for selecting the employees through District recruitment Bureau to the Co-operative Societies is under challenge in these present Writ Petitions.

2.The learned counsel for the Writ Petitioners states that the Petitioners Co-operative Societies are registered under the Provisions of Tamil Nadu Co-operative Societies Act. Under the Provisions of the Tamil Co-operative Societies Act, Board is the appointing authority for appointing employees to the society. Reserving the power of the Board, the District recruitment board was constituted, contrary to the provisions of Rule 149 of the Tamil Nadu Co-operative Societies Rule and the impugned notification was issued. As per Rule 149 of the Tamil Nadu Co-operative Societies rules, the Board alone is competent to select the person and appoint employees in respect of the Co-operative Societies concerned. Thus, the impugned notification is in violation of Rule 149 of the Tamil Nadu Co-operative Societies Rules and liable to be scrapped.

3.The learned Special Government Pleader appearing on behalf of the respondents 1 and 2 solicited the attention of this Court with reference to Section 74 of the Tamil Nadu Co-operative

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Societies Act, which reads as follows:

> "74. Recruitment Bureaus.- (1) The Government may, by notification constitute Recruitment Bureaus at the State and district levels for the recruitment of such categories of paid officers and servants for employment by such class or classes or category or categories of registered societies as may be prescribed. Nothing contained in this section shall apply to any of the posts in respect of which common cadre of service has been constituted under section 75.
>
> (2) The manner of constitution of the Recruitment Bureaus and the procedure to be followed by such Bureaus be such as may be prescribed."

Section 74 stipulates that in respect of other than common cadre services, the Government may by notification constitute recruitment Bureaus at the State and District levels for recruitment of employees for the Co-operative Societies.

4.The learned Special Government Pleader further informed this Court that pursuant to the powers conferred under Section 74 of Act, the Government issued notification and accordingly amendments were issued under Rule 150 of the Tamil Nadu Co-operative Societies Rules. The recruitment Bureau was constituted and Special clause 2 states that recruitment Bureau for revenue District and accordingly the Bureau was constituted consisting of Additional Registrar, Managing Director, Deputy Registrar (Public Distribution System), Circle Deputy Registrar in the head quarters of the district concerned, etc., Thus, district level District recruitment Bureau also was constituted by the Government by way of a notification under Section 74 of the Act and suitable amendments were issued to that effect and pursuant to the amendments, the impugned notification was issued by the District Recruitment Bureau for the purpose of appointing employees in the Co-operative Societies. In view of the fact that the appointment of District recruitment Bureau is in accord with the provisions of the Tamil Nadu Co-operative Societies Act and there is no infringe in issuing the recruitment notification by the said Board.

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5.The learned Special Government Pleader further brought to the notice of this Court that on account of pendency of the Writ Petition, further processes are kept in abeyance. However, it is left open to the authority concerned, to proceed with the selection process and complete the same by following the procedures contemplated under the Act and Rules.

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With these observations, these Writ Petitions stand dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To
1.The Joint Registrar of Co-operative Societies,
Erode Region,
Erode.

2.The Chairman,
District Recruitment Bureau,
Erode District,
Office of the Joint Registrar of Co-operative Societies,
Erode Region, Erode.

3.The President,
No.K.757, Manickampalayam Primary
Agricultural Co-operative Credit Society Ltd.,
Manickampalayam,
Kadappanallur,
Bhavani Taluk, Erode District.

+3cc to M/s.S.Doraisamy, Advocate sr.no.9559, 9561, 9560
+1cc to Mr.L.P.Shanmughasundaram, Advocate sr.no.9944
+1cc to Government Pleader sr.9698

W.P.Nos.750 to 752 of 2018

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