

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.08.2019

CORAM

THE HONOURABLE Mr. JUSTICE V.PARTHIBAN

W.P.No.23301 of 2019

V.Latha

... Petitioner

Vs.

1.The Joint Registrar,
Office of the Joint Registrar Co-operative Societies
Thiruvarur District.

2.The Deputy Registrar of Co-operative Societies
Mannarkudi Taluk, Thiruvarur District - 614 705.

3.The President,
ZC94, Sithamalli Primary Agricultural co-operative
Credit Society, Sithamalli,
Mannarkudi Taluk, Thiruvarur District - 614 705.

4.N.Balakrishnan ... Respondents

Prayer: Petition filed under Article 226 of the
Constitution of India praying for issuance of a Writ of
Mandamus directing the respondents to consider the
representation of the petitioner dated 19.03.2018 and to
pass appropriate orders.

For Petitioner : Mr.G.Ilamurugu
For RR 1 to 3 : Mr.D.Venkatachalam
Additional Government Pleader

ORDER

The petitioner claims herself to be a Member of the
3rd respondent society. According to her, the 4th
respondent was appointed as compassionate ground as
Salesman originally on 03.02.1999. According to the
petitioner, the 4th respondent has produced certain bogus
certificates claiming himself to have completed degrees
and on the basis of the bogus certificates produced by
him, he was promoted to the post of Attender in 2010 and
further promoted to the post of Clerk with effect from
01.04.2013. According to her, the degree possessed by the
4th respondent was not recognised by UGC. According to
her, the 4th respondent did not possess any basic
essential qualification as required under the Bye Laws of

the society and therefore, he is illegally working since 1999. Therefore, the petitioner appears to have given representation and since no order has been passed on her representation, she is before this Court for issuance of writ of mandamus.

2.From the above narrative, it could be seen that except claiming to be a Member of the 3rd respondent society, this Court is unable to see how the petitioner is aggrieved by the appointment of the 4th respondent on compassionate ground in 1999 and subsequent promotions to the post of Attender and Clerk. In any event, from the averments, as contained in the affidavit filed in support of the writ petition, it appears that the petitioner has some axe to grind against the appointment of the 4th respondent and in order to settle her personal scores with the 4th respondent, the present writ petition has been filed by seeking a seemingly innocuous prayer to dispose of her representation.

3.This Court does not think that the constitutional jurisdiction under Article 226 can be used for settling personal scores of private individuals and in settling such disputes, the Writ jurisdiction cannot be invoked. From the averments as disclosed in the affidavit, it is seen that the petitioner intention is to achieve a collateral purpose to unsettle the 4th respondent's employment for the last 20 years. Therefore, this Court, at the instance of vested interest, cannot give any such direction which would be detrimental to the interest of the 4th respondent. The petitioner herein has no legitimate interest or locus standi in questioning the appointment of the 4th respondent. On the whole, it appears that the writ petition lacks bona fide and the same cannot be entertained.

4.In the above said circumstances, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

Sgl
To

1.The Joint Registrar,
Office of the Joint Registrar Co-operative Societies
Thiruvavarur District.

2.The Deputy Registrar of Co-operative Societies
Mannarkudi Taluk, Thiruvarur District - 614 705.

3.The President,
ZC94, Sithamalli Primary Agricultural co-operative
Credit Society, Sithamalli,
Mannarkudi Taluk, Thiruvarur District - 614 705.

4.The Government Advocate,
High Court, Madras.

+1cc to Mr.G.Ilamurugu , Advocate SR.No. 67797

+2ccs to Mr.D.Venkatachalam , Advocate SR.No. 68638

+1 cc to Government Pleader Sr.No. 68964

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A.SK(18/09/2019)



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