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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 06.08.2019
CORAM:
THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.(MD)No.16006 of 2012
and
M.P.(MD)Nos.1 to 3 of 2012

N.Muthumalai ... Petitioner

-Vs-

1.The Secretary,
Department of Co-operation, Food and
Consumer Protection,
Fort St. George, Chennai-9.

2.The District Collector,
The Office of Collector,
Korampallam, Thoothukudi.

3.The Chairman of District Recruitment Bureau,
The President,
Thoothukudi Central Co-operative Bank,
136, Bolpettai, Thoothukudi-2.

4.The Vice-Chairman of District Recruitment Bureau,
The Joint Registrar of Co-operative Societies,
Thoothukudi Region, First Floor,
39, P.D.R. Naidu Street,
Thoothukudi-628 002.

5.The Special Officer,
O-831, Thoothukudi Agriculture Producers
Co-operative Marketing Society,
136, Bolpettai, Thoothukudi-2. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned advertisement No.1/2012 dated 01.11.2012 in respect of 15 posts of sales person to Agriculture Producers Co-operative Marketing Society at Thoothukudi and quash the same as illegal and consequently, to direct the fifth respondent to promote the petitioner, who is eligible to be promoted.

For Petitioner : Mr.S.V.Rajiv Rufus

For Respondents : Mr.K.Mu.Muthu,
Additional Government Pleader.

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ORDER

The recruitment notification dated 01.11.2012 issued for the purpose of appointing 15 sales persons in Agriculture Producers Co-operative Marketing Society at Thoothukudi, is under challenge in the present Writ Petition.

2.The learned counsel appearing on behalf of the writ petitioner states that the writ petitioner joined as Packer in the year 1991 in Agriculture Producers Co-operative Marketing Society at Thoothukudi. He was appointed through the District Employment Exchange. He is fully qualified for appointment to the post of Sales Person in the same Co-operative Society. A notification was issued on 01.11.2012 for selection and appointment to the post of Sales Persons in the said Co-operative Society.

3.The learned Additional Government Pleader appearing on behalf of the respondents states that the selection itself had been completed during the year 2013 and 15 persons selected were appointed on 01.02.2013 and they are working for the past 6 ½ years.

4.The learned counsel appearing on behalf of the writ petitioner states that preference ought to have been given to the employees, who are already in service and such a preference was not granted. Thus, the writ petitioner is constrained to challenge the very same notification. However, the writ petitioner was not permitted to participate in the selection is the grievance raised. It is not clear whether the writ petitioner submitted an application for recruitment or not?.

5.This Court is of the considered opinion that after this length of time, the Court cannot quash the recruitment notification, which was finalized in the year 2013 itself. 15 persons were already appointed and they are working for the past 6 ½ years and thus, the persons are not impleaded as parties to the Writ Petition. This apart, their appointment orders are not under challenge in the present Writ Petition.

6.Under these circumstance, if any other grievances exist for the writ petitioner, it is left open to the writ petitioner to adjudicate the same in the manner known to law. However, the relief as such sought for in the present Writ Petition after this length of time, cannot be granted and as per the impugned notification, process of selection was completed in the year 2013 and the selected persons were appointed. Thus, this Writ Petition deserves no merit consideration.

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7.Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

To

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+1 CC to SPL GP SR-80311.
+1 CC to Mr.V.RAJIV RUFUS, Advocate SR-80369.

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