



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.11015 of 2015

and

M.P. (MD) No.1 of 2015

Devaraj @ Ayyavu

... Petitioner

-Vs-

The Managing Director,
Ramanathapuram District Central
Co-operative Bank Limited,
Ramanathapuram District,
Ramanathapuram.

...Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the respondent in his proceedings Na.Ka.No.000033/2006/C1, dated 13.02.2015 and quash the same as illegal and unconstitutional, consequently, direct the respondent to promote the petitioner from the date on which the circular, Rc.43186/98/CBS.1 dated 15.10.1999 issued by the Registrar of Co-operative Societies, Chennai is came into effect.

For Petitioner

: Mr.A.Udhayakumar

For Respondent

: Mr.D.Shanmuga Raja Sethupathi

ORDER

The order dated 13.02.2015, rejecting the claim of the writ petitioner for grant of promotion is under challenge in the present Writ Petition.

2.The order impugned was issued by the Managing Director of Ramanathapuram District Central Co-operative Bank Limited, which is registered under the provisions of Tamil Nadu Co-operative Societies Act (hereinafter referred to as 'the Act'). The Co-operative Society not funded by the State cannot be considered as the "State" within the meaning of Article 12 of the Constitution of India.

3.This apart, the writ petitioner has to exhaust the statutory remedy available under the provisions of the Act. In respect of the employees of the Co-operative institutions, the



aggrieved persons have to file a revision under Section 153 of the Act in the prescribed form by paying prescribed fees. Under these circumstances, the writ petitioner is at liberty to approach the competent authority under the provisions of the Act for redressal of his grievance.

4. With these observations, this Writ Petition stands dismissed as not maintainable. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

Myr

+1CC TO MR.D.SHANMUGARAJA SETHUPATHI, ADVOCATE, SR NO.711332

+1CC TO MR.A.UTHAYA KUMAR, ADVOCATE, SR NO.71578

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