



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2019

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P(MD)No.23234 of 2017

and W.M.P(MD)Nos.19530 & 19531 of 2017

WEB COPY

S.Athisankar

... Petitioner

Vs.

1. The Chairman/District Co-operative Recruitment Bureau,
Regional Joint Registrar of Co-operative Societies,
No.6103/2, Annavasal Salai,
Pudukottai.
2. The Deputy Registrar of Co-operative Societies,
Pudukottai Circle, Pudukottai.
3. The Deputy Registrar (Public Distribution Scheme),
Pudukottai District, Pudukottai.
4. The President,
214, TVS Co-operative Stores,
Pudukottai Post, Pudukottai Taluk,
Pudukottai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus, to call for the records pertaining to the impugned Advertisement No.1/2017 issued by the first respondent, dated 27.11.2017 published in Daily Thanthi Newspaper, dated 28.11.2017 and quash the same insofar as filling up the post of sales person in the fourth respondent store is concerned and consequently direct the respondents to promote the petitioner to the post of sales person in the fourth respondent store.

For Petitioner	: Mr.D.Sadiq Raja
For RR 1 to 3	: Mrs.J.Padmavathy Devi, Special Government Pleader.
For R - 4	: No appearance

ORDER

This writ petition has been filed seeking issuance of a writ of Certiorarified Mandamus, to quash the impugned Advertisement issued by the first respondent, dated 27.11.2017 and consequently direct the respondents to promote the petitioner to the post of sales person in the fourth respondent store.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 3.



3. The case of the petitioner is that though the petitioner was appointed as packer in the fourth respondent Society and he has requisite educational qualification for the post of salesman, the first respondent, without promoting the petitioner as salesman, vide advertisement dated 27.11.2017, has invited eligible persons for direct recruitment to the post of salesman. Challenging the same, the petitioner has filed the present Writ Petition.

4. Observing so, the first respondent filed counter-affidavit, in which at paragraph No.9 it is stated as follows:-

"9. It is humbly submitted that as on the date of Advertisement No.1, dated 27.11.2017, the petitioner has requisite educational qualification for the post of salesman. Furthermore, as per the byelaws of the fourth respondent Stores and Registrar of Co-operative Societies letter as stated above the petitioner, who now working as packer in the fourth respondent stores is eligible for consideration of promotion to the post of salesman."

5. In such view of the matter, the respondents are directed to consider the claim of the petitioner and pass appropriate orders on merits and in accordance with law, after affording due opportunity of hearing to the petitioner. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

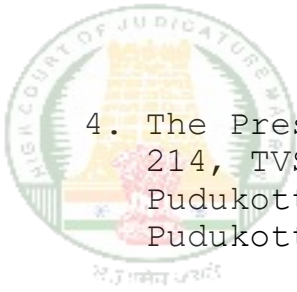
sd/
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Chairman/District Co-operative Recruitment Bureau,
Regional Joint Registrar of Co-operative Societies,
No.6103/2, Annavasal Salai,
Pudukottai.
2. The Deputy Registrar of Co-operative Societies,
Pudukottai Circle, Pudukottai.
3. The Deputy Registrar (Public Distribution Scheme),
Pudukottai District, Pudukottai.



4. The President,
214, TVS Co-operative Stores,
Pudukottai Post, Pudukottai Taluk,
Pudukottai District.

+1 CC to Mr.D.SADIQ RAJA, Advocate (SR-53124[F] dated 11/03/2019)
+1 CC to SPL GP (SR-53227[F] dated 12/03/2019)

W.P(MD)No.23234 of 2017
11.03.2019

ps

MK (26.03.2019) 3P 7C