



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WEB COPY

W.P. (MD) No.1140 of 2014
and
M.P. (MD) Nos.1 & 2 of 2014

A.V.Murugesan

... Petitioner

vs.

1.The District Collector
Collectorate Office
Pudukottai District

2.The Joint Registrar / Chairman
District Recruitment Bureau for Co-operatives
Pudukottai District

3.The Special Officer
M.M.381, Killanur Primary Agricultural
Co-operative Debt Society Ltd.,
Killanur, Pudukottai District

4.The Secretary
M.M.381, Killanur Primary Agricultural
Co-operative Debt Society Ltd.,
Killanur, Pudukottai District

5.The District Employment Officer
Pudukottai Employment Office
Pudukottai

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondent 2 to 4 to permit the petitioner to join duty in the 4th respondent society as salesman with suitable arrangements based on the selection order and appointment order dated 30.01.2013 and 01.02.2013 issued by the 2nd and 3rd respondent or appoint him in any other suitable place where a packer (kattunar) is already available.

For Petitioner : Mr.M.Siddharthan

For Respondents : Mr.D.Muruganantham

Additional Government Pleader for R1, R2 & R5
R3 - Tapal Due

Mr.P.Muruganantham for R4



O R D E R

The relief sought for in the present writ petition is for a direction to the respondents 2 to 4 to permit the writ petitioner to join duty in the fourth respondent Co-operative Society as Salesman, with suitable arrangements, based on the selection order and appointment order dated, 30.01.2013 and 01.02.2013 issued by the respondents 2 and 3 respectively.

2. The writ petitioner claims that he was appointed as Salesman in the fourth respondent Co-operative Society and therefore, directions are to be issued permitting him to join duty.

3. A Co-operative Society registered under the provisions of the Tamil Nadu Co-operative Societies Act, 1983 (hereinafter, referred to as "the Act") is not a "State" within the meaning of Article 12 of the Constitution of India. The writ petitioner, with reference to the appointment order, has to exhaust the remedy provided under the Act before approaching the Court of law. Admittedly, the writ petitioner has not exhausted the statutory remedy available under the Act.

4. In Co-operative Societies, during the relevant point of time, large number of irregular appointments were made. The Honourable Division Bench of this Court has settled the issues, in the case of **Justin.L vs. The Registrar of Cooperative Societies**, reported in **2002 (4) CTC 385**, and subsequently, some eligible persons were regularized.

5. All these aspects are to be adjudicated by filing a revision petition, under Section 153 of the Act, before the competent authority. Thus, the writ petitioner is at liberty to approach the competent authority by filing a revision petition in the prescribed format and by paying the required fee. However, the writ petition cannot be entertained in view of the legal principles settled by the Larger Bench of this Court in the case of **K.Marappan vs. The Deputy Registrar of Co-operative Societies, Namakkal Circle, Namakkal and another**, reported in **2006 (4) CTC 689**.

6. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-II)

/TRUE COPY/

Sub Assistant Registrar



To:

1.The District Collector,
Collectorate Office,
Pudukottai District.

2.The Joint Registrar / Chairman,
District Recruitment Bureau for Co-operatives,
Pudukottai District.

3.The District Employment Officer,
Pudukottai Employment Office,
Pudukottai.

+1 CC to M/s.SPL GP (SR-76628[F] dated 22/07/2019)

W.P.(MD) No.1140 of 2014
and
M.P.(MD) Nos.1 & 2 of 2014

KRK
JM/30.07.2019/3P-5C