



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.2397 of 2011

and

M.P. (MD) No.1 of 2011

S.Backiyalakshmi

... Petitioner

vs.

1.The Joint Registrar of Co-op Societies
Dindigul, Dindigul District

2.Dindigul District Central Co-operative Bank
Represented by the Special Officer
Dindigul District Central Co-operative Bank
Co-operative Nagar, Trichy Road
Dindigul

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents to appoint the petitioner to the post of Assistant in the Dindigul Central Co-operative Bank in accordance with merit under backward class category with all the consequential benefits.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.S.Dhayalan

Government Advocate for R1

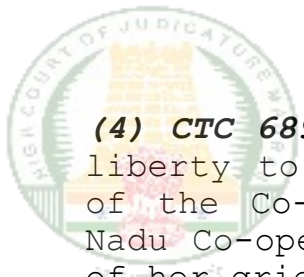
Mr.D.Shanmugarajasethupathy for R2

ORDER

The relief sought for in the present writ petition is to direct the respondents to appoint the writ petitioner in the post of Assistant in Dindigul Central Co-operative Bank in accordance with merits under backward class category with all consequential benefits.

2. It is pertinent to mention that the District Central Co-operative Bank is a Co-operative Society registered under the Tamil Nadu Co-operative Societies Act, 1961. Thus, the respondent / Co-operative Bank is not a State as defined under Article 12 of the Constitution of India. Hence, the writ petition itself is not maintainable in respect of a Co-operative Society Bank. The legal principles in this regard are settled by the Larger Bench of this

<https://hcservices.ecourts.gov.in/> **K. Marappan vs. The Deputy Registrar of Co-operative Societies, Namakkal Circle, Namakkal and another**, reported in 2006



(4) **CTC 689.** If at all the writ petitioner is aggrieved, she is at liberty to approach the competent authority, namely, the Registrar of the Co-operative Societies, under the provisions of the Tamil Nadu Co-operative Societies Act, 1961, for the purpose of redressal of her grievance.

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3. Moreover, the writ petitioner seeks appointment to the post of Assistant in the second respondent / Co-operative Bank. Appointment can never be claimed as a matter of right. All appointments to the public posts are to be made only by following the recruitment rules and under the constitutional scheme. If there is any malpractice, illegality, irregularity or any corrupt activities, the same is to be established before the competent authority and only in the event of not considering the same by the competent authority, the aggrieved party would be entitled to seek remedy under Article 226 of the Constitution of India.

4. In the present case on hand, the selection process to the post of Assistant in the second respondent / Co-operative Bank was concluded in the year 2010 itself. Now, after a lapse of nine years, this Court is not inclined to interfere with the selection process, which was concluded long back and moreover, the relief sought for by the writ petitioner per se cannot be granted and she is at liberty to approach the competent authority, if at all, any other grievance exists.

5. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

/ True Copy /

Sub Assistant Registrar (CS-)

To

1. The Joint Registrar of Co-op Societies
Dindigul, Dindigul District

2. Dindigul District Central Co-operative Bank
Represented by the Special Officer
Dindigul District Central Co-operative Bank
Co-operative Nagar, Trichy Road
Dindigul



+1 CC to M/s.SPL GP (SR-67376[F] dated 07/06/2019)

+1 CC to M/s.P.SHANMUGARAJA SETHUPATHI, Advocate
(SR-67482[F] dated 07/06/2019)

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ES/14.06.2019/3P/6C