

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 10.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**W.P. (MD) No.8671 of 2011**

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V.Velusamy

... Petitioner

Vs.

1. Joint Registrar of Co-operative Societies,
Thoothukudi Region,
Thoothukudi.

2. The Joint Registrar/Special Officer,
Virudhunagar District Central Co-operative Bank Ltd.,
Virudhunagar.

3. S.Selvarani, Assistant Manager,
Kariyapatti Branch,
Virudhunagar District Central
Co-operative Bank Ltd.,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to impugned order Na.Ka.E.1/777/2008-2009, dated 31.05.2010 passed by the second respondent and confirmed by the first respondent by order dated 01.07.2011 in Na.Ka.3021/2011 sa.o, quash the same and consequently, direct the second respondent to promote the petitioner for the post of Assistant Manager from the date on which the third respondent was promoted with all other attendant benefit.

For Petitioner	: Mr.D.Senthil
For R1	: Mr.S.Dhayalan Government Advocate
For R2	: Mr.D.Shanmuga Rajasethupathi
For R3	: Mr.S.Balamurugan

ORDER

The order of rejection rejecting the claim of the writ petitioner for promotion to the post of Assistant Manager from the date on which the third respondent was promoted to the post of Assistant Manager, is under challenge in the present writ petition.

2.The facts in nut-shell to be considered for the purpose of deciding the present writ petition is that the writ petitioner was denied promotion to the post of Assistant Manager.

3.The learned counsel for the writ petitioner states that a circular was issued by the Registrar of Co-operative Societies



stating that the promotions are to be granted with reference to the requisite qualifications prescribed. However, the admitted fact is that the prescribed qualification for promotion to the post of Assistant Manager is any Degree in any subject along with Diploma in Co-operation.

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4. Thus, the qualifications prescribed in the service rules of the second respondent-Bank is that any person, who is possessing degree with Diploma in Co-operation alone is eligible for appointment/promotion to the post of Assistant Manager in the second respondent-Bank.

5. The learned counsel for the writ petitioner states that the writ petitioner studied degree after completing his 10th standard (SSLC). The writ petitioner acquired degree through open university system and therefore, this case is also be considered.

6. This Court is of the opinion that when the writ petitioner himself admits that he had not studied the degree through the regular pattern prescribed by the University Grants Commission that is 10, +2, +3. The degree obtained through open university is invalid as per the judgment of the Hon'ble Supreme Court of India in the case of **Annamalai University v. Secretary to Government Information of Tourism Department** reported in (2009) 5 SCC 590.

7. The Supreme Court has held that the degrees obtained not through regular pattern prescribed by the University Grants Commission is not a valid degree for the purpose of securing promotion and public employment. In the case of Annamalai University, the Apex Court has held that the degrees obtained from open university system cannot be considered for grant of promotion. Such judgment has been followed by the Courts consistently and now, the judgment became the law of the land under Article 141 of the Constitution of India. When the Hon'ble Supreme Court has held that the open university degree obtained is invalid for securing public employment and promotion, this Court is of the considered opinion that the writ petitioner, who acquired degree through open university system is undoubtedly not eligible for the promotion to the post of Assistant Manager. It is an admitted fact that the writ petitioner has not studied +2 course and directly acquired degree through open university system. This being the admitted fact, the very claim of the writ petitioner for promotion to the post of Assistant Manager cannot be considered and now, the State Government also uniformly following the ruling of the Hon'ble Supreme Court in the matter of providing appointment and promotion with reference to the open university degrees obtained without undergoing the regular pattern of the education ie., 10, +2, +3. This being the factum, the writ petitioner has not established any acceptable prima facie ground for the purpose of considering the other grounds and the writ petitioner is unable to establish his qualification for promotion to the post of Assistant Manager. There is no point for adjudicating the other grounds raised in the present writ petition.



8. In view of the above, this writ petition is dismissed. No costs. However, it is left open to the writ petitioner to approach the reviewing authority, if he is so advised to do so.

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Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Joint Registrar of Co-operative Societies,
Thoothukudi Region,
Thoothukudi.
2. The Joint Registrar/Special Officer,
Virudhunagar District Central Co-operative Bank Ltd.,
Virudhunagar.

+1 CC to Mr.S.BALAMURUGAN, Advocate (SR-67679[F] dated 10/06/2019)
+1 CC to SPL GP (SR-67881[F] dated 11/06/2019)
+1 CC to Mr.D.SHANMUGARAJA SETHUPATHI, Advocate (SR-68027[F] dated 11/06/2019)

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MK (28.06.2019) 3P 6C