



WEB COPY

W.P(MD).No.3504 of 2011

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) .No.3504 of 2011

and

W.M.P. (MD)No.5305 of 2016

S.Radhakrishnan

... Petitioner

-Vs-

1.The Secretary to Government,
Co-operation, Food and Consumer
Protection (CCI) Department,
Secretariat,
Fort St. George,
Chennai-600 009.

2.The Registrar of Co-operative Societies,
170, E.V.R. High Road,
Keelpakkam,
Chennai-600 010.

3.The Special Officer,
No.975, Madurai District Central,
Co-operative Bank Limited,
187, North Veli Street,
Madurai-625 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the second respondent in Na.Ka.No.188683/96 MA.VA.PA.1, dated 15.02.1997, quash the same and direct the respondents to sanction additional increment to the petitioner for having degree qualification.

For Petitioner : Mr.P.Athimoolapandian

For R1 and R2 : Mr.P.Mahendran
Additional Government Pleader

For R3 : Mr.D.Shanmuga Raja Sethupathi

ORDER

The impugned order, dated 15.02.1997, is the internal communication between the Registrar of Co-operative Societies and the Special Officer of Madurai District Central Co-operative Bank. The impugned order states that the writ petitioner is not eligible to get additional increment. Interestingly, the writ petitioner



filed this writ petition at the age of 62 years and after his retirement. The claim set out in the writ petition is to grant additional increment for acquiring M.A. qualification. The writ petitioner has not stated in his affidavit regarding the manner through which he acquired M.A degree.

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2. During the course of arguments, the learned counsel appearing on behalf of the respondents brought to the notice of this Court, that the writ petitioner obtained M.A degree under open university system. The petitioner has not studied in the regular pattern of 10+2+3+2. The writ petitioner is unable to establish that he has completed three years degree course in a regular pattern and thereafter, studied M.A. regular pattern. Contrarily, he secured M.A. degree directly through open university system. The validity of the M.A. Degree under open university system are settled by the Hon'ble Supreme Court of India in the case of **Annamalai University Vs. Secretary to Government, Information and Tourism Department**, reported in (2009) 4 SCC 590. The Hon'ble Supreme Court of India in clear terms held that the open university degrees are invalid. This apart, the third respondent is a Co-operative Bank. The Co-operative Bank is not a 'State' within the meaning of Article 12 of the Constitution of India. The petitioner has to exhaust the statutory remedies provided under the provisions of the Tamil Nadu Co-operative Societies Act. The impugned order which is an internal correspondence between the Registrar and the Special Officer was obtained through Right to Information Act. Thus, if at all, the petitioner is aggrieved, he has to approach the competent authority under the provisions of the Tamil Nadu Co-operative Societies Act for the redressal of his grievances. This apart, it is made clear that the open university degrees are invalid as per the Judgment of the Hon'ble Supreme Court and the Government of Tamil Nadu also implemented the orders of the Hon'ble Supreme Court by issuing Government Orders.

3. Under these circumstances, the writ petitioner has not established any right so as to consider the relief as such sought for in this writ petition. Thus, the writ petition is devoid of merits and stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

1.The Secretary to Government,
Co-operation, Food and Consumer
Protection (CCI) Department,
Secretariat,
Fort St. George,
Chennai-600 009.

2.The Registrar of Co-operative Societies,
170, E.V.R. High Road,
Keelpakkam,
Chennai-600 010.

+1 CC to Mr.D. SHANMUGARAJA SETHUPATHI, Advocate (SR-19830[F] dated
13/10/2020)

+1 CC to SPL GP (SR-19788[F] dated 12/10/2020)

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