



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

**DATED: 26.02.2020**

**CORAM:**

**THE HONOURABLE MR. JUSTICE M.S.RAMESH**

**W.P. (MD) No.1863 of 2020**

N.Sasikala

... Petitioner

vs.

- 1.The Joint Registrar of Co-operative Societies/  
Chairman Recruitment Bureau,  
Karur.
- 2.The Deputy Registrar of Co-operative Societies(PDS),  
Karur.
- 3.The Deputy Registrar of Co-operative Societies,  
Karur Circle,  
Karur District.
- 4.R.1567 K.Paramathi Primary Agricultural Co-operative  
Credit Society Ltd.,  
Rep. by its President,  
Paramatthi Village,  
Aravakurichi Taluk,  
Karur District.
5. The Joint Director of  
Government Examinations (Higher Secondary),  
DPI Campus, College Road,  
Nungambakkam, Chennai 600 006

... Respondents

*\* R5 has been suo moto impleaded by the learned Single Judge vide order of this Court dated 26.02.2020.*

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents No.1 and 4 to permit the petitioner to join duty as sales women in the 4<sup>th</sup> Respondent Society or any other Society under the control of the 1<sup>st</sup> Respondent as per the proceedings of the 1<sup>st</sup> respondent made in Na.Ka.No.1167/2017 Po.Vi.Thi. dated 31-10-2019 and consequential order passed by the 4<sup>th</sup> Respondent dated 07-11-2019 without insisting production of the original certificates i.e. plus 2 Mark Sheet and Community Certificate.



For Petitioner : Mr.D.Sadiq Raja  
For RR 1 to 3 : Mr.V.Anand,  
Government Advocate  
For R-4 : Mr.S.Seenivasagam

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**ORDER**

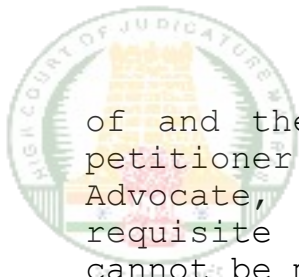
The petitioner's name was sponsored by the Employment Exchange for consideration in the direct recruitment process for the post of Salesman/Saleswomen in the ration shops situated within the first respondent's jurisdiction. The petitioner belongs to the Scheduled Caste Community and falls under the Women category. On 31.10.2019, the first respondent had appointed the petitioner temporarily as Saleswomen vide proceedings ந.க.எண்.1167/2017 பொ.வி.தி and she was posted in the fourth respondent Society after interview. As per the said proceedings, the petitioner was required to join duty within 15 days from the receipt of the appointment order. The appointment order came to be issued on 07.11.2019 and as per the conditions therein, she was required to produce all her original testimonials.

2. It is the case of the petitioner that after appointment, she had lost her original testimonials while travelling and accordingly, she had given a police complaint on 18.11.2019 and thereafter, she had applied for duplicate certificates. However, the fourth respondent herein, through his proceedings dated 27.11.2019, had informed the petitioner that since she had not joined duty within 15 days from the date of receipt of the appointment order, her appointment stands cancelled. Challenging the same, the present writ petition has been filed.

3. Learned counsel for the petitioner would submit that all the original testimonials which were required to be produced came to be lost and therefore, there was a delay in obtaining the duplicate certificates and since the petitioner herein is now in possession of the said certificates, she must be given an opportunity to produce the same and thereby her temporary appointment should be ratified.

4. The learned standing counsel appearing for the fourth respondent would submit that, initially the petitioner was granted 15 days time to produce the original certificates and thereafter, the first respondent had also extended the time for submission of the original testimonials by another three days and since the petitioner herein had failed to produce the certificates, they had already filled up the post based on the candidature allotted by the first respondent.

5. The learned Government Advocate appearing for the first respondent would submit that the petitioner was given sufficient time to produce her original testimonials, which she has not availed



of and therefore, there is no infirmity in the rejection of the petitioner's candidature. According to the learned Government Advocate, the production of the original testimonials is a pre-requisite for the appointment, without which a proper appointment cannot be made.

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6. I have given careful considerations to the submissions made by the respective counsels.

7. It is not in dispute that the petitioner herein was regularly recommended by the Employment Exchange and after she had successfully crossed the interview, she came to be appointed on 07.11.2019. The claim of the petitioner that she had lost her original testimonials has also not been disputed by the respondents. The only ground raised by the respondents is that inspite of sufficient opportunity extended to the petitioner to produce the original documents, she had not availed the same.

8. Though the conduct of the respondents in rejecting the petitioner's candidature cannot be strictly found fault with, the fact remains that the petitioner is indeed qualified to hold the post since she was granted with all the credentials by the concerned departments, including her educational as well as community status. When the petitioner had lost the certificates, she had also approached the Police Department complaining about the same, to which a Lost Document Report was also issued on 25.11.2019. It is now claimed by the petitioner that she had thereafter applied for duplicate higher secondary mark sheet on 14.01.2020, which she is yet to obtain and all other certificates are in her possession.

9. When it is brought to the notice of this Court that the petitioner has been appointed on the basis of her testimonials, to the satisfaction of the respondents and the only lacuna is the lack of original certificates, this Court intends to take a lenient view and thereby extend an opportunity to the petitioner to produce the original higher secondary mark sheet to the respondents, by extending the time limit. It is claimed by the petitioner that she is in possession of a duplicate copy of the Higher Secondary mark sheet, as well as all other original certificates, which includes her school Transfer Certificate and Community Certificate. The learned counsel for the petitioner would submit that though the petitioner had applied for the duplicate copy of the school mark statement with the Authorities, it might take some time for issuance of the same.

10. While the writ petition was pending before this Court, the learned Government Advocate was called upon to verify as to whether there could be any vacancy in the post of sales persons in the Cooperative Societies in Karur District. Pursuant to the interim directions of this Court, the learned Government Advocate had submitted instructions from the first respondent herein stating that there are 44 vacancies of Salesperson, as on date, in Karur district. In view of all these vacancies, there cannot be any



impediment for the first respondent, to accommodate the petitioner in one of the Co-operative Societies in Karur district.

11. The petitioner claims that he had made an application to the Joint Director of Government Examinations (Higher Secondary) on 14.01.2020, seeking for a duplicate copy of the Higher Secondary school certificate/mark sheet, which is still pending. In order to facilitate the expeditious issuance of the duplicate certificate, the Joint Director of Government Examinations (Higher Secondary) is suo moto impleaded as party respondent.

12. In the light of the above observations, the petitioner is granted liberty to make an appropriate representation to the first respondent, enclosing a copy of this order, along with all the original testimonials required for regular appointment of Saleswomen to the first respondent herein, atleast within a period of three months from the date of receipt of a copy of this order. On such representation being made, the first respondent herein shall issue appropriate orders, recommending for appointment of the petitioner to any of the Societies within Karur district, preferably to a Cooperative Society which is in and around Pugalur Taluk.

13. The petitioner shall also give another representation to the Joint Director of Government Examinations(Higher Secondary) requesting for expeditious issuance of +2 mark sheet and on receipt of the same, the Joint Director of Government Examinations(Higher Secondary) shall also endeavour to issue the duplicate copy of +2 mark statement to the petitioner, atleast within a period of four weeks, from the date of production of this order. With the above directions, the Writ Petition stands allowed. No costs.

Sd/-

Assistant Registrar (AD-II)

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/ /2020

Sub Assistant Registrar(CS)

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To

1.The Joint Registrar of Co-operative Societies/  
Chairman Recruitment Bureau,  
Karur.

2.The Deputy Registrar of Co-operative Societies(PDS),  
Karur.  
<https://hcservices.ecourts.gov.in/hcservices/>



3. The Deputy Registrar of Co-operative Societies,  
Karur Circle, Karur District.

4. The Joint Director of  
Government Examinations (Higher Secondary),  
DPI Campus, College Road, Nungambakkam,  
Chennai 600 006

+1 CC to Mr.S.SEENIVASAGAM, Advocate ( SR-8876[F] dated 27/02/2020 )

+1 CC to SPL.GP ( SR-9115[F] dated 28/02/2020 )

Order made in  
W.P. (MD) No.1863 of 2020  
26.02.2020

VB (23.03.2020) 5P 7C