



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD).Nos.1229 and 1230 of 2015

P.Theduraja : Petitioner in W.P(MD).No.1229 of 2015
S.Vanaraj : Petitioner in W.P(MD).No.1230 of 2015

-Vs-

1. The Joint Registrar,
Co-operative Societies,
Theni Region, Theni District.
2. The Special Officer, (Presently President)
Varasanadu Primary Agricultural Co-operative Bank,
Varasanadu, Theni District.

... Respondents in both petitions

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of the first respondent dated 12.01.2010 made in R.C.No.7651/2009 SF and quash the same and as illegal and invalid and direct the respondents herein to appoint the petitioner in existing vacancies of the concerned department with back wages and continuation of service.

In both petitions

For Petitioners : No Appearance
For Respondents : Mr.P.Mahendran
Additional Government Pleader for R1
Mr.S.Kumar for R2

COMMON ORDER

The petitioners were appointed in a Primary Co-operative Society registered under the provisions of the Tamil Nadu Co-operative Societies Act. The petitioners were suspended long back on initiation of departmental disciplinary proceedings. As far as the employees of the Co-operative Societies are concerned, no writ petition is entertainable under Article 226 of the Constitution of India, without exhausting the remedies available under the Co-operative Societies Act. Co-operative society is not funded by the Government and it is not the "State" within the meaning of Article 12 of the Constitution of India. Thus, the employees have to



exhaust the remedy available. The legal principles are settled in the case of **K.Marappan Vs. The Deputy Registrar of Co-operative Societies, Namakkal** reported in **(2006) 4 CTC 689**.

2.In this view of the matter, the petitioners are at liberty to approach the competent authority by filing a revision petition under Section 153 of the Tamil Nadu Co-operative Societies Act in a prescribed format.

3.With the above liberty, these Writ Petitions stand dismissed. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmk

To

The Joint Registrar,
Co-operative Societies,
Theni Region, Theni District.

+1 CC to the SPL GP (SR-22684[F] dated 24/11/2020)

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PM(CO)
CS(04.12.2020) 2P 3C