

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.Nos.20076 & 20077 of 2012 & 9938 of 2013

N.Jagadeesan ... Petitioner in WP.No.20076 of 2012
S.Selvam ... Petitioner in WP.No.20077 of 2012
C.Muthusamy ... Petitioner in WP.No.9938 of 2013

Vs

1. The Government of Tamil Nadu,
Rep.by its Secretary to Government
Co-operation, Food and Consumer Protection Department,
Fort St. George, Chennai - 600 009.
2. The Registrar of Co-operative Societies,
No.170, Periyar EVR Road,
Kilpauk, Chennai - 600 010.
3. The Salem District Central Co-operative Bank Ltd.,
Rep.by its Special Officer / Joint Registrar of
Co-operative Societies,
Head Office, Salem - 636 001.

... Respondents in all WPs.

Prayer in all WPs: These Writ Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order of the second respondent dated 11.11.2009 in RC.4864 of 2009 CBS 1 and the order of the first respondent in G.O.Ms.No.100, Co-operation, Food and Consumer Protection (chippi 1) Department dated 09.08.2010 and quash the same only in so far as it relates to the petitioner and consequently direct the respondents to appoint the petitioner(s) as Assistant in the third respondent Bank.

For Petitioner in all WPs: Mr.K.Selvaraj

For R1 & R2 in all WPs : M/s.T.Girija, AGP

For R3 in all WPs :Mr.L.P.Shanmuga Sundaram,
Spl.GP

COMMON ORDER

The petitioners have challenged the orders dated 11.11.2009 passed by the second respondent, as confirmed by the first respondent vide G.O.Ms.No.100, Co-operation, Food and Consumer Protection (Chippi 1) Department, dated 09.08.2010. By the impugned orders, the request of the petitioners seeking appointment to the post of Assistant in Salem District Central Co-operative Bank, was rejected on the ground that they have crossed the age limit prescribed by the relevant Rules.

2. When these matters were taken up for consideration, the learned counsel appearing on the side of the respondents submitted that the relief sought for herein has become infructuous and hence, nothing survives for adjudication in these writ petitions.

3. The aforesaid submission made on the side of the respondents has been opposed by the learned counsel for the petitioners. According to him, the petitioners are eligible to be considered for appointment to the post in question in view of the unamended Byelaws of the Bank.

4. This Court considered the submissions made by all the parties. It is settled law that relaxation in age limit cannot be claimed as a matter of right. According to the respondents, as per the amended Byelaws of the Bank, the upper age for MBC candidates is 37 years and the petitioners have crossed the said age limit and hence, the matter has become infructuous. As such, in the opinion of this Court, the writ petitions are liable to be dismissed. At this juncture, it is noteworthy to refer the observation of the Supreme Court in Dharti Pakar Madan Lal Agarwal v. Rajiv Gandhi [1987 AIR 1577], wherein, it was observed that "Court should not undertake to decide an issue unless it is a living issue between the parties. If an issue is purely academic in that its decision one way or the other would have no impact on the position of the parties, it would be waste of public time to engage itself in deciding it".

5. In such view of the matter, these writ petitions are dismissed as infructuous. No costs.

Sd/-

Assistant Registrar (CS-IV)

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Sub Assistant Registrar

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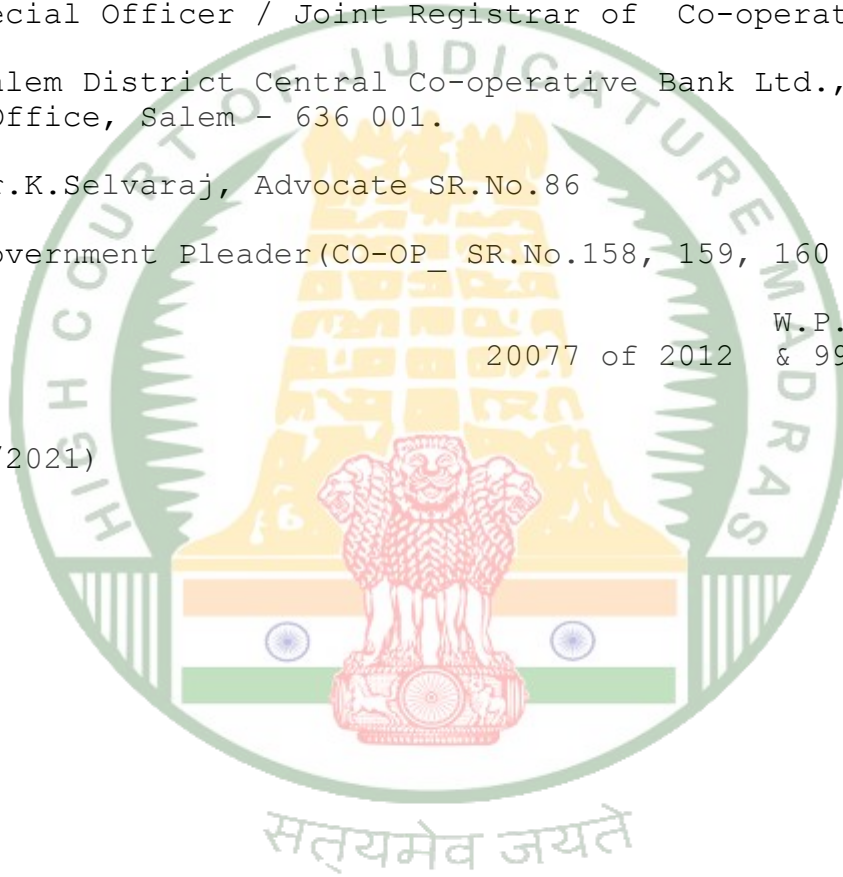
1. The Secretary to Government,
The Government of Tamil Nadu,
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The Salem District Central Co-operative Bank Ltd.,
Head Office, Salem - 636 001.

+1cc to Mr.K.Selvaraj, Advocate SR.No.86

+3cc to Government Pleader(CO-OP_ SR.No.158, 159, 160

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KV(CO)
GMY(01/07/2021)



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