



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON:	09.02.2021
DELIVERED ON:	29.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD)No.2227 of 2021

and W.M.P. (MD) Nos.1840 & 1843 of 2021

(Through Video Conference)

V.P.Ammavasai

... Petitioner

Vs

1) The Registrar cum Director,
Milk Production and
Diary Development Department,
Madhavaram Milk Colony,
Chennai 600 051

2) TID 483, Theni District Milk Producers
Cooperative Union,
Represented by its
The General Manager,
NRT Nagar, Theni.

3) O.Raja,
The Chairman,
TID 483, Theni District Milk
Producers Cooperative Union,
NRT Nagar, Theni.

... Respondents

PRAYER: Petition 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 Employment Notification in Daily Thanthi Newspaper bearing Advertisement No.2/2021 dated 26.01.2021 published by the 2nd and 3rd respondents herein and quash the same as illegal and consequently direct the respondents to fill up the vacancies complying with the Rules governing and also after the 2nd Respondent Union achieves financial stability and operated in a profitable position.,

For Petitioner

: Mr.S.Sivakumar

For RR 1 & 2

: Mr.K.Chellapandian,
Additional Advocate General



Assisted by Mr.E.Mareeskumar,
Standing counsel

WEB COPY

O R D E R

The employment notification dated 26.01.2021, inviting applications for direct recruitment for predominantly managerial and three Group-D posts are put under challenge in the present writ petition.

2. The petitioner herein, is a Primary Level Cooperative Society and the impugned employment notification has been called for by the second respondent, which is a District Level Society. The only grievance expressed in the present writ petition is that the second respondent Society is not financially stable and the present appointments, pursuant to the impugned employment notification, would add further financial burden to the second respondent Union.

3. A perusal of the affidavit filed in support of the writ petition and the documents relied upon by the petitioner, reveals that the writ petition itself is misconceived and could have filed with ulterior motives.

4.The petitioner, who is admittedly the President of a Primary Milk Cooperative Society, has no responsibilities or involvement in the day-to-day administration of the third respondent/ District Level Society. The appointments that are sought to be made are for the administrative exigencies of the second respondent. The issue as to whether the alleged proposed appointments would cast further financial burden on the second respondent Society, is something that requires to be dealt with by the second respondent Management and the petitioner herein, who is in no way involved in the administration of the second respondent Society, has no locus absolutely, to question the proposed notification.

5.It is brought to the notice of this Court that when the petitioner had earlier attempted to stall the selection process under a notification dated 17.11.2020, the same was challenged before this Court in W.P.(MD) No.298 of 2021 and when the writ petition came up for hearing, the petitioner had made a request for consideration of his representation in that regard, instead of the prayer for issuance of a Mandamus, for cancelling the recruitment process and accordingly, orders were also passed directing the respondents to consider his objection on its own merits. Most of the vacancies in the notification dated 17.11.2020 are the same under the present impugned notification.



6. When the petitioner has no involvement in the day-to-day administration of the second respondent Society, his apprehension that the employment would cause further financial burden to the second respondent, is unwarranted and hence, the petitioner will not have locus to question the same and accordingly, the writ petition itself is not maintainable, at the instance of the writ petitioner. Hence, the writ petition stands dismissed. No costs. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

sts

To:

- 1) The Registrar cum Director,
Milk Production and
Diary Development Department,
Madhavaram Milk Colony,
Chennai 600 051
- 2) TID 483, Theni District Milk Producers
Cooperative Union,
Represented by its
The General Manager,
NRT Nagar, Theni.

Order made in
W.P. (MD)No.2227 of 2021

Dated:
29.03.2021

GS (20.05.2021) 3P 3C