



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

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W.P.(MD) No.6212 of 2021

and W.M.P.(MD).Nos.4811, 4812 & 4814 of 2021

K.Santhi

...Petitioner

Vs.

1.The Registrar of Co-operative Societies,
No.170, N.V.Natarajan Maligai,
Periyar E.V.R.High Road,
Poonamallee High Road,
Kilpauk,
Chennai - 600 010.

2.Virudhunagar District Recruitment Bureau,
Rep. by the Joint Registrar of Co-operative Societies,
C-1-3, Block, Master Plan Complex,
Collectorate Campus,
Virudhunagar District - 626 002.

3.The Controller of Examinations,
Virudhunagar District Recruitment Bureau,
O/o. The Joint Registrar of Co-operative Societies,
C-1-3, Block, Master Plan Complex,
Collectorate Campus,
Virudhunagar District - 626 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records on the file of the 2nd respondent in pursuant to the impugned provisional selection list for the post of Assistant published vide his official website in Notification No.Nil dated Nil and quash the same as illegal and arbitrary and consequently direct the respondents to prepare fresh selection list by implementing the Rule of Reservation strictly and in a transparent manner by publishing the Communal Wise Cut-off Marks and Communal Roaster of the selected candidates and thereby consider the petitioner's candidature for appointment to the post of Assistant in Co-operative Institutions other than Virudhunagar District Central Co-operative Bank, Virudhunagar under the category of Scheduled Caste community or Scheduled Caste (Women) or Scheduled Caste (Widow) based on her marks secured in the Written Examination as well as in the interview within the time limit that may be stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu

For Respondents : Mr.P.Mahendran

Additional Government Pleader



ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

2.The writ petitioner herein had participated in the selection process for the post of Assistant in the Co-operative institutions. The grievance of the petitioner is that though she had successfully participated in the written examination and thereafter, in the interview and was ranked at serial number 37, she has not been appointed. The petitioner had made representations to the respondents seeking for sympathetic consideration of her candidature for the purpose of appointment.

3.In this background, the petitioner had made a representation, on 20.01.2021, before the second respondent under the Provisions of the Right to Information Act, seeking for details about the Caste/Community reservations, to which, the second respondent had replied on 22.02.2021, stating that the details would be published in the respondent's website after the completion of the recruitment process. The petitioner herein had filed the present writ petition alleging that the respondents had not followed the Rule of reservation in a transparent manner. I am unable to comprehend as to how the petitioner had come to such a conclusion that the Rule of Reservation was not followed. Even as per the averments in the affidavit filed by the petitioner, it is clear that the petitioner was not aware as to whether the Rule of Reservation was followed or not. As a matter of fact, she had made the application under the Right to Information Act, only for this purpose, which has been answered stating that such details with regard to the Rule of Reservation could be published in the website after completion of the recruitment process. When the petitioner admittedly was not aware that the Rule of Reservation has not been followed, she will not have a cause of action to challenge the impugned provisional selection list for the post of Assistant on the ground that the Rule of Reservation has not followed.

4.Nevertheless, as and when the second respondent herein discloses the details with regard to the Rule of Reservation in their website, as affirmed by them in the reply, pursuant to the petitioner's request under the Right to Information Act, it would be open to her, to question the same, in case, the Rule of Reservation has not been followed.

5.With the above observations, this Court is of the view that there is no merits in the cause of action raised in the petition and accordingly, the prayer sought for cannot be sustained.



6.Hence, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CSII)

// 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.

To

- 1.The Registrar of Co-operative Societies,
No.170, N.V.Natarajan Maligai,
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- 2.The Joint Registrar of Co-operative Societies,
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- 3.The Controller of Examinations,
Virudhunagar District Recruitment Bureau,
O/o. The Joint Registrar of Co-operative Societies,
C-1-3, Block, Master Plan Complex,
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Virudhunagar District - 626 002.

+1 CC to M/s.SPL GP (SR-12721[F] dated 22/03/2021)

+1 CC to M/s.G.THALAIMUTHARASU, Advocate (SR-12669[F] dated 22/03/2021)

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SMV(CO)
KB(19.04.2021) 3P 6C



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