



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.04.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.8016 of 2021

and

W.M.P (MD) No.6114 of 2021

WEB COPY

S.Jebamalairaj

... Petitioner

-Vs-

1.The State of Tamil Nadu,
Rep. by the Secretary,
Housing and Urban Development Department,
Fort St. George, Chennai-600 009.

2.The State of Tamil Nadu,
Rep. by the Secretary,
Co-operation Food and Consumer Protection Department,
Fort St. George, Chennai-600 009.

3.The Registrar (Housing),
Tamil Nadu Co-operative Housing Society,
Tamil Nadu Co-operative Housing Federation Campus,
No.48, Ritherdon Road,
Vepperi, Chennai-600 009.

4.The Chairman,
State Recruitment Bureau,
N.V.Natarajan Maaligai,
1st Floor,
170, Periyar EVR High Road,
Kilpauk,
Chennai-600 010.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to publish the result of the petitioner and to consider for appointment to the post of Assistant in Apex Co-operatives Banks/Societies under Ex-Servicemen category as per the marks of 80.75 obtained by the petitioner in the written examination held on 01.03.2020.

For Petitioner : Mr.V.Panneer Selvam

For Respondents : Mr.C.Ramesh
Special Government Pleader



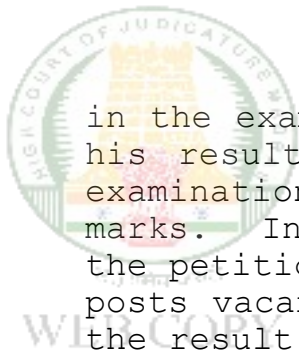
ORDER

This Writ Petition is filed to direct the respondents to publish the result of the petitioner and to consider for appointment to the post of Assistant in Apex Co-operatives Banks/Societies under Ex-Servicemen category as per the marks of 80.75 obtained by the petitioner in the written examination held on 01.03.2020.

2. Mr.C.Ramesh, learned Special Government Pleader takes notice on behalf of the respondents.

3. According to the petitioner, he was selected and appointed as Clerk in Indian Army on 21.03.2003 and worked in Establishment, Finance, Office Organization, Pension Section and also in various sections. Thereafter, he retired on 01.04.2019 after serving 16 years of service in the Indian Army. While so, the respondents issued notification No.01-2019, dated 23.10.2019, to fill up the post of Assistants/Junior Assistants in Apex Co-operative Institutions. The petitioner applied for the said post on 31.10.2019. He has paid Rs.250/- for registration and examination fee. The amount was paid through the State Bank of India i.e., (Link to the "SBI Collect" Reference No is DUC2581183, dated 31.10.2019). They fixed the date for written examination on 29.12.2019. As per the schedule, they have not conducted the written examination on 29.12.2019. The fourth respondent issued fresh notification No.01-2019, dated 11.01.2020, for the same posts. In the notification itself, it has been clearly stated that anybody, who paid the examination fee already while submitting the application for the notification, dated 23.10.2019, need not pay again and they will be permitted to write the examination. Further, it has been stated in the Notification, dated 11.01.2020 that SBI Collect reference number has to be mentioned in the 2nd application. Therefore, in his application, the petitioner had mentioned the SBI collect reference No.DUC2581183, on 13.01.2020. Since he complied all the requirements as per the Notification, his application was accepted and he was issued with hall ticket to write the examination. Accordingly, he participated in the written examination held on 01.03.2020.

4. Thereafter, they published the list of provisionally selected candidates for interview based on the results of the written examination conducted by the fourth respondent on 01.03.2020, for appointment by direct recruitment to the post of Assistants in Apex Co-operative Institution on 16.10.2020. In the list, it has been stated that whose registration numbers are not found in the list, they have not been selected for interview. Since they have not mentioned any category in the list published on 16.10.2020 the petitioner obtained information under Right to Information Act, on 29.10.2020 that 5% reserved for ex-servicemen, 17 persons have written the examination and 10 persons alone passed



in the examination, cut off marks for General category is 68.85 and his result was not published for non-payment of registration and examination fees. The petitioner obtained 80.75 marks, out of 170 marks. In similar circumstances, this Court has granted relief to the petitioners in W.P(MD)No.798 of 2020, dated 13.01.2020 to keep 4 posts vacant for the petitioners therein. As far as not publishing the result of the petitioner is concerned, it is a mistake committed by the officials and hence, the petitioner has come out with the present writ petition.

5. The learned Special Government Pleader appearing for the respondents submitted that the State Recruitment Bureau issued Notification and applicants are directed to pay the fees for State Recruitment Bureau. The petitioner instead of paying fees to State State Recruitment Bureau has paid fees to District Recruitment Bureau. Hence, his application was defective and was not considered for non-payment of fees. He further submitted that after following the procedure, 597 candidates were provisionally selected for oral interview held on 16.10.2020. The interview was conducted from 09.11.2020 to 11.11.2020. Based on the marks obtained in the written examination, interview marks and communal/reservation roster, 293 candidates were selected and selection list was published on 12.12.2020. Candidates were allotted and joined in the concerned Apex Co-operative institutions. In view of the same, there is no merit in the writ petition and the petitioner is not entitled to the relief sought for in the writ petition and hence, prayed for dismissal of the same.

6. In the typed set of papers the petitioner filed information furnished by the appellate authority which is enclosed at Page Nos.50 and 51 of the typed set of papers, it is seen that the result of the petitioner was not published due to non-payment of registration and examination fees. Further, it has been stated that the petitioner obtained 80.75 marks out of 170 marks and the cut-off marks for General category is 68.85. The petitioner applied for the post of Assistants/Junior Assistant, as per the Notification, dated 23.10.2019. He has paid Rs.250/- for registration and examination fees. Originally, the respondents fixed the date for written examination on 29.12.2019. As per the schedule, the respondents have not conducted the written examination on the said date. In view of the order of this Court, dated 22.11.2019, the respondents published fresh Notification No.01/2019, dated 11.01.2020. In the said Notification, the respondents have stated that, those who have applied in response to the earlier Notification and paid the registration and examination fees, need not pay the same again. But, they must mention in the application, the SBI collect reference number. The petitioner applied in response to the fresh Notification, dated 11.01.2020, and also mentioned the details mentioned the SBI Collect Reference No.DUC2581183, on 13.01.2020.



7. From the original Notification, dated 23.10.2019, it is seen that the Notification issued by the State Recruitment Bureau for the post of Assistant/Junior Assistant. The applicants are directed to pay the registration and examination fees to the State Recruitment Bureau, the appointing authority, as per Rule 150(4) of the Tamil Nadu Co-operative Societies Rules, 1988. The petitioner instead of paying the fees to the State Recruitment Bureau, has paid the fees to District Recruitment Bureau. The petitioner enclosed the details of fees paid by him in Page No.13 of the typed set of papes, which shows that he had paid the fees only to the District Recruitment Bureau not to the State Recruitment Bureau. The petitioner has not complied with the conditions contained in the Notification with regard to payment of fees. In view of the same, the rejection of application by the respondents is proper. Further, the learned Special Government Pleader submitted that after following the procedure 597 candidates were selected and appointed. The selection process is over and selected candidates joined duty.

8. For the above reasons, there is no merit in the writ petition and the same is liable to be dismissed. Accordingly, it is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

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/ /2021

Sub Assistant Registrar(CS)

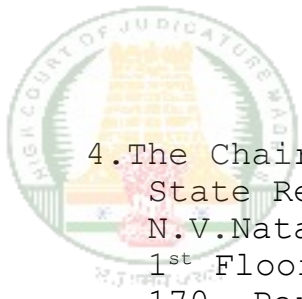
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Note :

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 Secretary,
Housing and Urban Development Department,
Fort St. George, Chennai-600 009.
- 2.The Secretary,
Co-operation Food and Consumer Protection Department,
Fort St. George, Chennai-600 009.
- 3.The Registrar (Housing),
Tamil Nadu Co-operative Housing Society,
Tamil Nadu Co-operative Housing Federation Campus,
No.48, Ritherdon Road,
Vepperi, Chennai-600 009.



4.The Chairman,
State Recruitment Bureau,
N.V.Natarajan Maaligai,
1st Floor,
170, Periyar EVR High Road,
Kilpauk,
Chennai-600 010.

+1 CC to M/s.SPL GP (SR-17574[F] dated 26/04/2021)

W.P. (MD) No. 8016 of 2021
23.04.2021

RK(13.05.2021) 5P 6C