



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2021

CORAM

THE HON'BLE MR. JUSTICE P.D.AUDIKESSAVALU

W.P. (MD) No. 282 of 2014

and

M.P. (MD) Nos. 1 and 2 of 2014

and

W.M.P. (MD) No. 5304 of 2016

T.Udayakumar

... Petitioner

Vs.

1.The State of Tamil Nadu,

Represented by its Secretary to Government,
Food, Consumer and Co-operative Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2.District Recruitment Bureau for Co-operatives,
Kanyakumari District,

Represented by its Vice Chairman / Joint Registrar of Co-
operative Societies,
Office of Joint Registrar of Co-operative Societies,
33, Vedanatha Street,
Water Tank Road,
Nagercoil - 629 001.

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India, seeking for a Writ of Certiorari Mandamus, to call for the records on the file of the Second Respondent in connection with the impugned Advertisement issued in Advt. No.1 of 2013 dated 14.11.2013 and quash the same as illegal and unconstitutional and consequently direct the Second Respondent to include the elected President / Vice President of Kanyakumari District Central Co-operative Bank and President / Director of Primary Agricultural Co-operative Societies in the recruitment process.

For Petitioners : Mr. G. ThalaiMutharasu

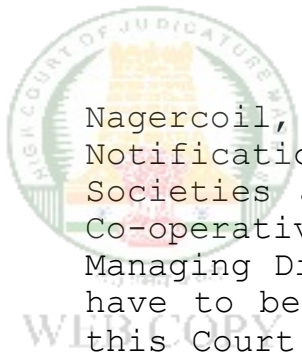
For Respondents : Mr. D. Gandhi raj

Government Advocate

ORDER

(through video conference)

The Petitioner claims to be the Vice President of Kanyakumari District Central Co-operative Bank, Nagercoil, the President of Y125 Kalasamari Kudiyruppu Primary Co-operative Society, Nagercoil and the Director of Agastheeswarar Thovalai Marketing Society,



Nagercoil, and has filed this Writ Petition challenging the Notification dated 14.11.2013 for recruitment in Co-operative Societies as not in consonance with Rule 150(2) of the Tamil Nadu Co-operative Societies Rules, 1988, in which the President or Managing Directors of two other Central Co-operative Societies would have to be associated at the time of recruitment as pointed out by this Court in the decision in ***Tamil Nadu State Primary Agricultural Co-operative Banks All Employees Association -vs- The Joint Registrar of Co-operative Societies, Tirunelveli*** [1995 (1) CTC 506].

2. The Respondents have filed Counter-Affidavit pointing out that the said Rule referred to by the Petitioner has been amended by which the said requirement has been deleted with effect from 02.03.2011, which has been published in the Official Gazette. It becomes evident that at the time of the impugned notification on 14.11.2013, the amended Rule of 150(2) of the Tamil Nadu Co-operative Societies Rules, 1988, has been in force and the earlier Rule cannot be operated as misconceived by the Petitioner in this case.

3. In the result, the Writ Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

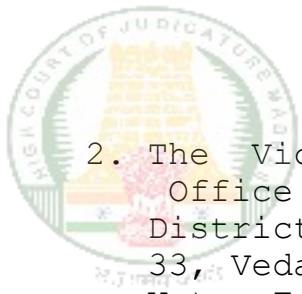
Sub Assistant Registrar(CS)

sm

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 to Government,
The State of Tamil Nadu,
Food, Consumer and Co-operative Department,
Secretariat, Fort St. George,
Chennai - 600 009.



2. The Vice Chairman / Joint Registrar of Co-operative Societies,
Office of Joint Registrar of Co-operative Societies,
District Recruitment Bureau for Co-operatives,
33, Vedanantha Street,
Water Tank Road,
Nagercoil - 629 001.
Kanyakumari District,

W.P. (MD) No. 282 of 2014
02.07.2021

(CO)
LR (26.07.2021) 3P 3C