

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.13571 to 13574 of 2014 and
M.P.No.1 of 2014

K.Manimegalai	...Petitioner in W.P.No.13571 of 2014
J.Kalaivani	...Petitioner in W.P.No.13572 of 2014
O.Calaivany	...Petitioner in W.P.No.13573 of 2014
R.Shanmugam	...Petitioner in W.P.No.13574 of 2014

Vs.

1. Government of Puducherry,
Rep By Its Secretary to Government,
Education Department, Puducherry.
2. The Secretary To Government,
Co-operative Department, Puducherry.
3. The Deputy Director (Admin)
Directorate of School Education,
Government of Puducherry,
Puducherry.
4. The Registrar,
The Registrar of Cooperative Societies,
Puducherry.
5. The Administrator,
Pondicherry State Cooperative Union,
No.62 Suffren Street, Puducherry-605 001.
6. The Managing Director,
Cooperative Teacher Training Institute,
62, Suffren Street,
Puducherry 605001.

...Respondents in W.P.Nos.13571 to 13574 of 2014

PRAYER in W.P.No.13571 of 2014: This Writ Petition is filed under Article 226 of the Constitution of India praying for an issuance of a Writ of Certiorarified Mandamus calling for the records relating to order No.CCE/B.Ed/5/2011-12/VOL.III/605 dated 05.08.2013 passed by the 6th respondent and order No.NIL dated 22.10.2013, passed by the 3rd respondent and quash the

same and direct the respondents to reinstate the petitioner in service by transferring her to an appropriate institution under the control of the Government of Puducherry with all consequential benefits including arrears of pay and allowances to the said post.

COMMON PRAYER in W.P.Nos.13572 to 13574 of 2014: These Writ Petitions are filed under Article 226 of the Constitution of India praying for an issuance of a Writ of Certiorarified Mandamus calling for the records relating to order No.CCE/B.Ed/5/2011-12/VOL.III/605 dated 05.08.2013 passed by the 6th respondent and quash the same and direct the respondents to reinstate the petitioner in service by transferring her to an appropriate institution under the control of the Government of Puducherry with all consequential benefits including arrears of pay and allowances to the said post.

In all W.Ps

For Petitioners	:	Mr.John Joseph.R for M/s.Giridhar & Sai
For Respondent Nos.1 to 4	:	Mr.R.Syed Mustafa Special Government Pleader
For Respondent Nos.5& 6	:	Mr.R.Sreedhar

C O M M O N O R D E R

The order of termination issued by the Managing Director of Co-operative Teacher Training Institute, Puducherry is under challenge in these writ petitions. As far as W.P.No.13571 of 2014 is concerned, the petitioner has also challenged the rejection of representation by order dated 22.10.2013.

2.All the writ petitioners were appointed temporarily on consolidated pay as Principal, Lecturer, Librarian and Lecturer respectively in Puducherry Co-operative Teacher Training Institute. It is an admitted fact that the writ petitioners were appointed on temporary basis on consolidated pay. Their services were terminated by the Managing Director of the Co-operative Teacher Training Institute. Challenging the said order, the writ petitions are filed.

3.The learned counsel for the petitioners made a submission that the order of termination is illegal and in violation of the provisions of the Act and Rules. The writ petitioners are fully qualified to hold the respective posts, in which, they were appointed and therefore, they must be allowed to continue in the Institute.

4.The learned Special Government Pleader appearing on behalf of the Government of Puducherry objected the said contention by stating that the Co-operative Teacher Training Institute itself was closed by the Government and it is not functioning as of now and therefore, the petitioners are not entitled for any relief.

5.The learned counsel appearing on behalf of the 5th and 6th respondent Institute made a submission that the petitioners were appointed on temporary basis and therefore, they are not entitled to seek regularization, which is to be done in accordance with the rules. Further, the institute is not functioning as of now. That apart, the petitioners have not exhausted the statutory remedy contemplated under the Act. Thus, the writ petitions are not maintainable. The Co-operative Society is registered under the provisions of the Puducherry Co-operative Societies Act. It is not a State within the meaning of Article 12 of the Constitution of India. Thus, the petitioners have to exhaust the statutory remedies before approaching the High Court. Section 84 contemplates an appeal before the Registrar and admittedly, the petitioners have not exhausted the said appellate remedy or the review petition before the Government as the case may be. Contrarily, the petitioners chosen to file the writ petitions before this Court, challenging the order passed by the Managing Director of Co-operative Teacher Training Institute, Puducherry and thus, the writ petitions are not to be entertained. That apart, the Society itself has been closed and not functioning as of now. If at all any relief is to be granted, the same is to be considered only by the Registrar and the Government as the case may be.

6.This being the factum, the petitioners are at liberty to approach the Registrar under Section 84 of the Act if at all any grievances exist as of now. With these observations, these writ petitions stand disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

sms/sli

To

1. The Secretary to Government,
Government of Puducherry,
Education Department, Puducherry.
2. The Secretary To Government,
Co-operative Department, Puducherry.
3. The Deputy Director (Admin)
Directorate of School Education,
Government of Puducherry,
Puducherry.
4. The Registrar,
The Registrar of Cooperative Societies,
Puducherry.
5. The Administrator,
Pondicherry State Cooperative Union,
No.62 Suffren Street, Puducherry-605 001.
6. The Managing Director,
Cooperative Teacher Training Institute,
62, Suffren Street,
Puducherry 605001.

+4ccs to M/s.Giridhar & Sai, Advocate SR. Nos. 35044, 35045,
35047, 35046

+1cc to Mr.R.Sreedhar, Advocate SR. No. 35051

W.P.Nos.13571 to 13574 of 2014 and
M.P.No.1 of 2014

SKM (CO)
PR (12/07/2022)