



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY

AND

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.A.(MD) No.96 of 2022

and

C.M.P(MD) No.1023 of 2022

1. The Secretary,
Q-1232 Sayalkudi Primary Agricultural
Co-operative Society,
Sayalkudi,
Ramanathapuram District.
2. The President,
Q-1232 Sayalkudi Primary Agricultural
Co-operative Society,
Sayalkudi,
Ramanathapuram District. ... Appellants/
3rd and 4th Respondents

vs

1. M.Muthupandi ... 1st Respondent/Writ Petitioner
2. The Joint Registrar of Co-operative Societies,
O/o. Joint Registrar of Co-operative Societies,
Ramanathapuram Collectorate,
Ramanathapuram District.
3. The Deputy Registrar of Co-operative Societies,
O/o. Deputy Registrar of Co-operative Societies,
Paramakudi,
Ramanathapuram District. ... Respondents 2 & 3/
Respondents 1 & 2

Writ Appeal filed under Clause 15 of Letters Patent, against the order dated 02.12.2021, made in W.P.(MD) No.6111 of 2014.

Prayer in WP(MD). 6111 of 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the made in Na.Ka.No. 5602/2002 Sa Pa dated 18.10.2005 issued by the 2nd respondent confirmed in Revision Petition No. 15/2008 dated 22.09.2008 and Review Petition No. 3/2012 dated 19.06.2013 passed by the first respondent and quash the same and consequently direct the



respondents to reinstate the petitioner into service with continuity of service along with all attendant benefits.

For Appellant : Mr.S.Kumar
For R-1 : Mr.P.R.Prithiviraj
For R-3 & R-4 : Mr.M.Siddharthan,
Additional Government Pleader

J U D G E M E N T

(Delivered by PARESH UPADHYAY, J.)

Challenge in this appeal is made to the order dated 02 December 2021 recorded on WP(MD)No.6111 of 2014. This appeal is by respondent No. 3 and 4 in the writ petition.

2. Learned advocate for the appellant Society has submitted that, the termination of the service of the writ petitioner should not have been interfered with by learned Single Judge, since the petitioner was terminated for not possessing the requisite educational qualification and also on the ground that the said appointment was not after due process i.e. without name having been sponsored from the employment exchange. It is also submitted that, the termination order was a reasoned order and the finding of learned single Judge that it was a non-speaking order also calls for interference. It is submitted that this appeal be entertained.

3. Mr.M.Siddharthan, learned Additional Government Pleader, who appears for the original respondents 1 and 2 has also supported this appeal.

4. Having heard learned advocates for the appellants and the Government Counsel i.e. original respondents and having considered the material on record this Court finds as under:-

4.1 The case of the writ petitioner before learned Single Judge was to the effect that, though he was possessing the educational qualification of a Diploma in Co-operation, the general direction by this Court to dis-continue the services of the persons who did not possess educational qualification was applied *qua* the petitioner as well, selectively, and therefore the said action is interfered with by the writ Court after due scrutiny. We have considered the reasons recorded by learned Single Judge in that regard. We find that, though the petitioner was appointed on temporary basis in the year 1996, subsequently he was appointed on regular basis vide resolution dated 25.03.1997. Learned Single Judge, on the basis of the material on record has recorded satisfaction to the effect that, the writ petitioner had already qualified prior thereto. The argument on behalf of the appellant that the petitioner was not possessing educational qualification at the time of his appointment (regular appointment) needs to be rejected.



4.2 So far the second argument, that the name of the writ petitioner was not sponsored from the employment exchange is concerned, it is settled position of law that, no party can be permitted to contend before any forum much less before the Writ Court that it is he - who had done something wrong and therefore he should get benefit there from. This argument therefore is rejected.

4.3 So far the third argument that the order terminating the service of the writ petitioner was a speaking order and finding by learned Single Judge that it was non-speaking order, according to us, would not change the complexion of the matter in any manner.

5. In totality we find that the decision of allowing the writ petition does not call for any interference. This appeal therefore needs to be dismissed.

6. For the above reasons, this writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition would not survive.

Sd/-

Assistant Registrar(AD-I)

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/ /2022

Sub Assistant Registrar(CS)

pm/11

To

1. The Joint Registrar of Co-operative Societies,
O/o. Joint Registrar of Co-operative Societies,
Ramanathapuram Collectorate,
Ramanathapuram District.

2. The Deputy Registrar of Co-operative Societies,
O/o. Deputy Registrar of Co-operative Societies,
Paramakudi,
Ramanathapuram District.

+1 CC to M/s.P.R.PRITHIVIRAJ, Advocate (SR-6020[F] dated 14/02/2022)
+1 CC to M/s.SPL GP (SR-5949[F] dated 14/02/2022)

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TP (CO)

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