



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.4063 of 2022

W.M.P (MD).No.3476 of 2022

WEB COPY

M.Jothimuthu Ramalingam

... Petitioner

Vs.

1.The Registrar of Co-operative Societies,
No.170,E.V.R.Road,
Dr.Radhakrishnan Nagar ,
Razaak Garden ,
SBI Officers Colony,
Arumbakkam, Chennai - 106.

2 .The Chairman
Chennai Central Co-operative Bank Limited,
114/1, Prakasam Road,
Chennai - 600108.

3. The Additional Registrar of Co-Operative Societies / the
Chairman,
Chennai District Recruitment Bureau ,
3rd Floor , No.91, St.Marys Road,
TANFED, Abiramapuram, Chennai -18.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the Respondents to consider the Petitioner for appointment in the recruitment of Assistant Post earmarked in the office of the 2nd Respondent vide notification No.2/2019/DRB/CHN dated 30.01.2020 on the file of the 3rd Respondent without discriminating his B.Com Degree (optional subject Co-operation I and II) from B.Com (Co-operation) by providing exemption from Co-operative training.

For Petitioner : Mr.R.Shankar Ganesh

For Respondents : Mr.M.Ramesh,
Government Advocate

O R D E R

The relief sought for in the present Writ Petition is to direct the respondents to consider the petitioner's case for appointment to the post of Assistant in the office of the second respondent.



2. Appointment can never be claimed as a matter of right. All appointments are to be made strictly in accordance with the Recruitment Rules in-force. The second respondent is a Co-operative Society registered under the Tamil Nadu Co-operative Societies Act and not funded by the Government. Therefore, the Society is not a State within the meaning of Article 12 of the Constitution of India. Thus, the appointments to the Co-operative Societies are to be made under Rule 149 of the Tamil Nadu Co-operative Societies Rules and the special by-laws of the concerned Society which was approved by the Competent Authorities under the Act. Therefore, the petitioner has to participate in the process of selection for appointment to the post in the Central Co-operative Bank. Furthermore, writ cannot be entertained, in view of the judgment rendered by the Larger Bench of the High Court of Madras in the case of ***K.Marappan vs. The Deputy Registrar of Co-operative Societies, reported in 2006 4 (CTC) 689.*** For all these reasons, the writ petitioner is at liberty to approach the Revisional Authority and he cannot seek any direction to appoint him as Assistant in the Co-operative Bank.

3. Accordingly, the Writ Petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl side)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ssb

To

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+1 CC to M/s.R.SHANKAR GANESH, Advocate (SR-10652[F] dated
08/03/2022)

+1 CC to M/s.SPL.GP (SR-10975[F] dated 09/03/2022)

W.P. (MD) No.4063 of 2022

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RK(28/03/2022) 3P 6C