



W.P.(MD)No.7007 of 2020

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.7007 of 2020

and

W.M.P.(MD)No.6431, 6432, 6433 and 16621 of 2020

1. K.Sivagurunathan
2. G.Murugan
3. T.Venkatesan
4. A.Subbiah
5. Latha
6. N.Muruganandam
7. Raja
8. U.Karthikeyan
9. P.Amutha
10. Periyasamy
11. Senthamilan
12. Shanmugavel
13. Kavithadevi
14. Tholkappian
15. T.Muthamil Selvan
16. Sudha
17. K.Murugan
18. K.Karuppasamy
19. Chandrasekaran
20. Rengasamy
21. Maran
22. C.N.Karuppasamy
23. Suresh Kumar
24. Dheena Thayalan



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25. S.Arivalagan

26. Dharmendran

27. K.Raja

28. Pakyalakshmi

... Petitioners

Vs.

1. The State of Tamil Nadu,
Represented by its Principal Secretary to the Government,
Department of Co-operation,
Food and Consumer Protection,
Fort Saint George,
Chennai – 9.
2. The State of Tamil Nadu,
Represented by its Principal Secretary to the Government,
Department of Personnel and Administrative Reforms,
Fort Saint George,
Chennai – 9.
3. The State of Tamil Nadu,
Represented by its Principal Secretary to the Government,
Department of Adi Dravidar and Tribal Welfare,
Fort Saint George,
Chennai – 9.
4. State Recruitment Board,
Represented by its Chairman,
170, Periyar Ever High Road,
Kilpauk, Chennai.
5. The National Commission for Schedule Caste,
Represented by its Chairman,
5th Floor, Lok Nayak Bhavan,
Khan Market,
New Delhi – 110003.



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6. The Registrar of Co-operative Societies,
70, EVR Road,
Dr.Radhakrishnan Nagar,
Arumbakkam,
Chennai.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, call for the records pertaining to the impugned Advertisement No.01-2019, dated 11.01.2020 on the file of the respondent No.4 and quash the same as illegal and consequently for a direction, directing the respondents to conduct special recruitment drive for filling up the post of assistant and Junior Assistant in backlog and shortfall vacancies meant for scheduled caste/tribe category.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.A.Baskaran for R1 to R3
Additional Government Pleader

Mr.Jeyasingh for R4 & R5
Senior Standing Counsel



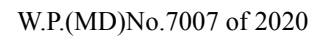
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ORDER

This writ petition has been filed challenging the Advertisement of the fourth respondent dated 11.01.2020 and to quash the same and consequently direct the respondents to conduct special recruitment drive for filling up the post of Assistant and Junior Assistant in backlog and shortfall vacancies meant for scheduled caste/tribe category.

2. The case of the petitioner is that the third respondent has issued a G.O.(Ms).No.2(d) 6, dated 21.03.1998, to grant free training in the category of SC/ST for Higher Diploma in Co-operative Management for 200 candidates. In lieu of the above said G.O., a paper publication was made on 11.06.1998, inviting all the interested candidates for the training. All the petitioners were eligible and they underwent the training for the period between 20.08.1998 to 28.04.1999. While so, it was informed that the Co-operatives Department for the purpose of recruitment have to follow the Rule 149 of the Tamil Nadu Co-operative Societies Rules, 1988 and that as per G.O.(D).No.216, issued by the first respondent, dated 01.09.1998, the



3. The learned counsel appearing for the petitioners would submit that without filling the backlog vacancies, the fourth respondent has hurriedly issued an Advertisement on 11.01.2020, for filling up 291 Assistant and 9 posts of Junior Assistant and without conducting a fair recruitment for the backlog and shortfall vacancies exclusively for SC/ST, they hurriedly filled up the post. Hence, he prayed for this writ petition.



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4. Heard the learned counsel for the petitioner, learned Additional Government Pleader appearing for the respondents 1 to 3 and the learned Senior Standing counsel appearing for the respondents 4 and 5.

5. The grievance of the petitioners is that without taking steps to fill up the backlog vacancies, which were meant for SC/ST, the fourth respondent hurriedly filled up the vacancies, which is not sustainable. However, a perusal of the counter affidavit reveals that in respect of category (2) societies consisting of 2738 post societies in which the Assistants are receiving basic pay, above Rs.4,000/- but less than Rs.5500, 493 Scheduled Caste candidates constituting 18% and 26 Scheduled Tribe candidates constituting 1% were got selected. Apart from these candidates, 120 Scheduled Caste candidates and one Scheduled Tribe candidate were also selected from general category and there was no backlog selection of Scheduled Caste/Scheduled Tribe candidates in this category.



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6. In view of the counter affidavit filed by the respondents, the grievance expressed by the petitioners in this writ petition is misconceived. Hence, this Writ Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

23.12.2022

Index : Yes / No

Speaking Order : Yes / No

akv



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Fort Saint George,
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