



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.14560 of 2019

and

W.M.P. (MD) No.11012 of 2019

WEB COPY

A.Siva Priya

... Petitioner

vs.

1.The Deputy Registrar of Co-operative Societies
Office of the Deputy Registrar of Co-operative Societies
Madurai Region, Madurai

2.The President
A.2546 Ayyanarpuram Primary
Agricultural Co-operative Credit Society
Panaiyur Post, Madurai-9

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorari to call for the records in impugned order of the first respondent in Na.Ka.5362/2018/Tho.Va, dated 04.02.2019 and consequential impugned order of the second respondent dated 04.03.2019 and quash the same as illegal.

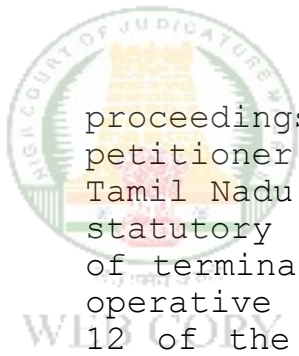
For Petitioner : Mr.S.Kumar

For Respondents : Mr.P.Thilak Kumar, Government Pleader
assisted by Mr.M.Ramesh
Government Advocate for R1
No appearance for R2

O R D E R

The order dated 04.02.2019, passed by the first respondent and the consequential order dated 04.03.2019, passed by the second respondent are under challenge in this writ petition.

2.The petitioner was appointed as a temporary Clerk on daily wage basis on 01.04.1999, by the then elected President of the second respondent - Society by passing a resolution. As far as the appointment in the Co-operative Societies is concerned, the Management has to follow the procedures as contemplated under Rule 149 of the Tamil Nadu Co-operative Societies Rules, 1988. The Deputy Registrar of Co-operative Societies is not the Authority competent to decide the issues relating to service matters. Furthermore, the petitioner was appointed on daily wage basis and she was terminated by the subsequent President of the second respondent - Society. The benefit of regularization sought for by the petitioner was also rejected by the first respondent vide



proceedings dated 04.02.2019. Under these circumstances, the petitioner has to exhaust the statutory remedy provided under the Tamil Nadu Co-operative Societies Act, 1983. Without exhausting the statutory remedy, no writ can be entertained as the impugned order of termination was passed by the second respondent, which is a Co-operative Society and not a State within in the meaning of Article 12 of the Constitution of India. The order passed by the first respondent is the direction given to the second respondent and based on the said order of the Deputy Registrar of Co-operative Societies, the impugned order of termination was passed. Thus, the petitioner is at liberty to approach the revisional Authority under the provisions of the Tamil Nadu Co-operative Societies Act, 1983 for the purpose of redressal of her grievance.

3. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (A.D II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To:

The Deputy Registrar of Co-operative Societies,
Office of the Deputy Registrar of Co-operative Societies,
Madurai Region,
Madurai.

+1 CC to M/s.SPL GP (SR-6516[F] dated 16/02/2022)

W.P. (MD) No.14560 of 2019

and

W.M.P. (MD) No.11012 of 2019

15.02.2022

RS(26.02.2022) 2P 3C