



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.14924 of 2020

and

W.M.P. (MD) Nos.12555 & 12557 of 2020

WEB COPY

R.Rajendiran

... Petitioner

vs.

1.The Deputy Registrar  
Cooperative Societies  
Office of Deputy Registrar  
Kumbakonam  
Thanjavur District

2.The President  
Z-806 Ayyampettai Primary Agricultural  
Cooperative Society  
Ayyampettai  
Thanjavur District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the records relating to the impugned order of the 1<sup>st</sup> respondent in Na.Ka.No.5458/2018/ThoVeKuKaSa (7) dated 05.08.2020 and quash para-2 of the impugned order of the 1<sup>st</sup> respondent in Na.Ka.No.5458/2018/ThoVeKuKaSa(7) dated 05.08.2020 in so far as petitioner is concerned and consequently direct the 1<sup>st</sup> respondent herein to restore the petitioner in the post of Secretary in the 2<sup>nd</sup> respondent society with continuity or service from 01.09.2011 with all monetary and service benefits to the petitioner without any delay.

For Petitioner : Mr.C.Padmaraj

For Respondents : Mr.M.Ramesh  
Government Advocate for R1

### O R D E R

The order dated 05.08.2020, passed by the first respondent, is under challenge in this writ petition.

2. The petitioner was appointed as Clerk / Salesman and subsequently, he was brought under the regular establishment. The petitioner was given additional charge of the post of Secretary. However, his permanent cadre is Clerk / Salesman.



3. The second respondent - Cooperative Society is a registered Society under the provisions of the Tamil Nadu Cooperative Societies Act, 1983 (for brevity "the Act"). Thus, it is not a "State" within the meaning of Article 12 of the Constitution of India and there is no funding by the Government. Therefore, the writ petition is not maintainable in view of the principles laid down by the Larger Bench of this Court in ***K.Marappan vs. The Deputy Registrar of Co-operative Societies, Namakkal Circle, Namakkal and another***, reported in **2006 (4) CTC 689**. Thus, the petitioner has to exhaust the statutory remedy under the provisions of the Act. This being the factum, the petitioner is at liberty to approach the Authority competent under the Act for redressal of his grievance in the manner known to law.

4. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

krk

To:

The Deputy Registrar,  
Cooperative Societies  
Office of Deputy Registrar,  
Kumbakonam,  
Thanjavur District.

+1 CC to M/s.SPL.GP ( SR-20147[F] dated 21/04/2022 )

**W.P. (MD) No.14924 of 2020**

**and**

**W.M.P. (MD) Nos.12555 & 12557 of 2020**

**20.04.2022**

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