



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Special Original Jurisdiction )

Monday, the Twenty Eighth day of November Two Thousand and Twenty  
Two

PRESENT

**The Hon`ble Mr.Justice G.R.SWAMINATHAN**

WMP(MD) No.20874 of 2022

IN

WP(MD) No.26683 of 2022

RASATHI

... PETITIONER/PETITIONER

**Vs**

1 THE DIRECTOR OF CO-OPERATIVE AUDIT,  
AMMA COMPLEX,  
VETERINARY HOSPITAL CAMPUS,  
4TH FLOOR, NO.571, ANNA SALAI,  
NANDANAM, CHENNAI- 600 035.

2 THE ASSISTANT DIRECTOR OF CO-OPERATIVE AUDIT,  
CO-OPERATIVE AUDIT DEPARTMENT,  
13-A, KANAGA APARTMENTS,  
LADY DOCK COLLEGE ROAD,  
CHINNA CHOKKIKULAM,  
MADURAI- 625 002.

... RESPONDENTS/RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to grant an order of interim direction, directing the Respondents herein to declare the probation in the post of Junior Co-Operative Auditor and include the petitioner's name in the Promotional panel list for 01.10.2021 published vide proceedings in Na.Ka.No. 6245/2022/Po.Ni.3 dated 28.09.2022 fit for promotion to the post of Senior Co-Operative Auditor by placing the petitioner in the appropriate Seniority List -2019, pending disposal of the above Writ petition.

Prayer in WP(MD). 26683/ 2022 :

To issue a Writ of Certiorarified Mandamus, calling for the records in pursuant to the impugned proceedings in Na.Ka. 3841/2022/Apal dated 12.09.2022 by the 2nd respondent and to quash the same as illegal and consequently directing the respondents herein to declare the probation in the post of Junior Co-Operative Auditor and include the petitioner's name in the promotional panel list for 01.10.2021 published vide proceedings in Na.Ka.No.6245/2022/Po.Ni.3 dated 28.09.2022, fit for Promotion to the post of Senior Co-Operative Auditor by placing the petitioner in the appropriate Seniority List 2019 within a stipulated time that may be fixed by this Hon'ble Court.



ORDER : This petition coming up for orders on this day, on perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.SARAVANAKUMAR.P, Advocate for the petitioner and of MR.S.SHANMUGA VELU, Additional Government Pleader on behalf of the Respondents the court made the following order:-

The petitioner claims that she belongs to Kattunayakkan community. She has certificate in her favour. However, it is now pending verification before the State Level Scrutiny Committee. The question that arises for consideration at this stage is whether the petitioner can be included in the promotion panel for the post of Senior Co-operative Auditor. The learned counsel for the petitioner relies on the order dated 13.03.2003 made in W.P.No.42620 of 2002 (K.R.Narayanaswamy Vs. The Group General Manager, Bharat Heavy Electricals Limited). The Hon'ble Madras High Court held that enquiry with regard to community certificate cannot be equated with that of disciplinary proceedings. Therefore, the respondents are directed to include the petitioner in the promotion panel. However, inclusion in the promotion panel will not give any right to the writ petitioner as such. Her rights will eventually abide by the determination by the State Level Scrutiny committee.

2.This petition is disposed of accordingly.

sd/-

28/11/2022

/ TRUE COPY /

/12/2022

Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TO

- 1 THE DIRECTOR OF CO-OPERATIVE AUDIT,  
AMMA COMPLEX, VETERINARY HOSPITAL CAMPUS,  
4TH FLOOR, NO.571, ANNA SALAI,  
NANDANAM, CHENNAI- 600 035.
- 2 THE ASSISTANT DIRECTOR OF CO-OPERATIVE AUDIT,  
CO-OPERATIVE AUDIT DEPARTMENT,  
13-A, KANAGA APARTMENTS,  
LADY DOCK COLLEGE ROAD, CHINNA CHOKKIKULAM,  
MADURAI- 625 002.

+1 CC to M/s.P.KALAIYARASI BHARATHI, Advocate ( SR-13836[I] dated 28/11/2022 )

ORDER IN  
WMP(MD) No.20874 of 2022  
IN WP(MD) No.26683 of 2022  
Date :28/11/2022

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