



WEB COPY



W.P.No.28998 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2023

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.28998 of 2011

P.Radhakrishnan

.. Petitioner

VS

1.The Additional Registrar of Coop Societies,
(Marketing, Planning and Development)
E.V.R. Periyar Road, Kilpauk,
Chennai – 10.

2.The Special Officer/
Joint Registrar of Coop. Societies,
Salem District Central Co-op Bank,
Cherry Road,
Salem-1.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari mandamus calling for the entire records relating to the impugned order passed by the first respondent in his proceedings Na.Ka.40048/2011 Sa.Pa.1, dated 29.9.2011 whereby confirming the order passed by the second respondent in his proceedings Na.Ka.No.1005/2008 Ni-1, dated 24.06.2008 and quash the same and consequently direct the



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respondents to appoint the petitioner in the post of Assistant in the 2nd respondent bank as per interview held on 22.03.2001.

For the Petitioner : Ms.R.Hemalatha
for Mr.C.Prakasam

For the Respondents : Mr.T.K.Saravanan
Government Advocate
for respondent No.1

: Mr.M.R.Raghavan
for respondent No.2

ORDER

The prayer in the writ petition is as follows:

"For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings Na.Ka.40048/2011 Sa.Pa.1 dated 29.09.2011 whereby confirming the order passed by the 2nd respondent in his proceedings Na.Ka.No.1005/2008 Ni-1, dated 24.06.2008 and quash the same and consequently direct the respondents to appoint the petitioner in the post of Assistant in the 2nd respondent bank as per interview



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held on 22.03.2001 and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice."

2. The case of the petitioner is that in respect of appointment to the second respondent – Salem District Central Co-operative Bank, the respondents have to follow the ratio 1:1 i.e. between the open market and the employees of the affiliated societies. The petitioner's name was sponsored by the Employment Exchange for appointment. Even though the petitioner's name was sponsored for selection, the petitioner alone was not considered. Earlier, when the petitioner approached this Court, the petitioner was relegated to the revisionary authority under the Act. Accordingly, when the revision was filed under Section 153 of the Tamil Nadu Co-op Societies Act, the same was dismissed. Hence, the petitioner has filed the present writ petition.

3. In the order impugned in the writ petition, it is categorically mentioned that the upper age limit in respect of the post, viz.



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Assistant, is 40 years and, admittedly, as on the date of sponsorship, the petitioner was over-aged. The said fact was considered and, in fact, a specific question was framed by the revisionary authority and the question has been answered against the petitioner that the petitioner is over-aged. Further, the petitioner is not able to point out as to how he is eligible to be appointed as on the date of sponsorship. Since the petitioner has crossed the upper age limit, the claim of the petitioner cannot be countenanced.

4. In the result, the writ petition is dismissed. No costs. Consequently, M.P.Nos.1 and 2 of 2011 are closed.

30.11.2023

Index : Yes
Neutral Citation : No
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To

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D.BHARATHA CHAKRAVARTHY,J.

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