



W.P.No.4459 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.4459 of 2013

P.K.Subramanian

...Petitioner

-Vs-

1. The Registrar of Co-operative Societies,
Office of the Registrar of
Co-operative Societies,
E.V.R.Periyar High Road,
Kilpauk, Chennai -10.

2. The Salem District Central
Co-operative Bank Ltd.,
Rep. by Special Officer
cum Joint Registrar,
Salem, Salem District.

3. S.Madheswaran,
Manager,
The Salem District Central
Co-operative Bank Ltd.,
Magudanchavadi Branch,
Salem District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the order passed by the first respondent herein in



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Na.Ka.No.24185/2012 Ma.Va.Pa.1 dated 19.03.2012 and order passed by the second respondent herein in Na.Ka.No.60/2011/NI 10(1) dated 22.08.2012 and quash the same insofar as it relates to the promotion of the third respondent herein is concerned, further direct the respondents 1 & 2 herein not to effect promotion to the post of Assistant Managers and Managers to the persons not having Post Graduate qualification and who had joined services of the second respondent after 2004.

For Petitioner : Mr.T.L.Thirumalaisamy
For Respondents
For R1 : Ms.Akhila Rajendran
Government Advocate
For R2 : Mr.P.Ravi Shankar Rao
for Mr.M.R.Raghavan
For R3 : Mr.R.Sivakumar

ORDER

This Writ Petition has been filed challenging order passed by the first respondent herein in Na.Ka.No.24185/2012 Ma.Va.Pa.1 dated 19.03.2012 and order passed by the second respondent herein in Na.Ka.No.60/2011/NI 10(1) dated 22.08.2012, thereby promoting the third respondent from the post of Assistant Manager to the post of Manager.



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2. The petitioner was sponsored by the employment exchange for the post of Assistant in the second respondent bank. After interview, he was selected and he was issued appointment order dated 24.05.2005 and he joined duty as Assistant at Elampillai branch of the Salem District Central Co-operative Bank Ltd. His selection and appointment was made as per the special bylaw dated 15.03.2004. The said bylaw also approved by the State government and came into effect on 16.03.2004. As per the special bylaw, the requisite qualification for appointment and by direct recruitment and by promotion for the post of Assistant Manager and Manager are post graduate degree in any discipline of any university or institution recognized by University Grants Commission or a Post Graduate Diploma recognised by the State Government as its equivalent.

3. While being so, the petitioner was promoted as Assistant Manager on 15.09.2010 by the proceedings issued by the second respondent and he was fully qualified for the post of Manager from the year 2012 onwards. However, the first respondent by a circular dated 19.03.2012, directed the Special Officers of the Co-operative Banks to effect promotion to the post of Assistant Manager to the persons who do



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not possess post graduate qualification and joined service after the year of 2004. Accordingly the second respondent effected promotion to the post of Assistant Manager to Manager to the persons do not have the post graduate qualification. As per the circular, the second respondent promoted the third respondent, who had not possessed any post graduate qualification to the post of Manager without any qualification. Therefore, challenging the said promotion, the petitioner filed this present Writ Petition.

4. Heard the learned counsel appearing on either side and perused the material on records.

5. The third respondent filed counter and it revealed that he was appointed as Assistant on 02.04.2004 and accordingly the seniority list was issued to the cadre of Assistant on 07.10.2009. As per the seniority list as on 01.04.2009, the third respondent was place at S.No.20 and the petitioner was placed at S.No.80. Therefore, the third respondent is the senior to the petitioner herein. In fact, both the petitioner as well as the third respondent selected to the post of Assistant as per the bylaw issued by the second respondent.



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6. As per the circular dated 17.06.2011, the first respondent clarified that the educational qualification prescribed in the special bylaw is not applicable to the persons who are already in service. Further, the first respondent also clarified that the educational qualification must be considered only at entry level post when direct recruitment was made. Those educational qualification are not applicable for promotion to the post of Assistant Manager to the post of Manager. Further by the circular dated 19.03.2012, it was stated that educational qualification of post graduate degree to the post of Assistant Manager is applicable only those posts to be filled by way of Direct recruitment and not for promotion.

7. Accordingly, the third respondent was promoted along with other 13 Assistants junior to him. Therefore, by an order dated 02.08.2012, the third respondent along with 13 members were promoted to the post of Manager. However, the petitioner chooses the third respondent alone as party and challenged his promotion. The second respondent also filed counter reiterating the same averments.



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8. Considering the above facts and circumstances, this Court finds no infirmity or illegality in the impugned circular issued by the first respondent herein in Na.Ka.No.24185/2012 Ma.Va.Pa.1 dated 19.03.2012 and subsequent order passed by the second respondent herein in Na.Ka.No.60/2011/NI 10(1) dated 22.08.2012. The Writ petition is devoid of merits and liable to be dismissed.

9. Accordingly, the Writ Petition stands dismissed. There shall be no order as to cost.

14.07.2023

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

rts



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G.K.ILANTHIRAIYAN. J.

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