



WEB COPY



W.P.No.8819 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2023

CORAM :

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P.No.8819 of 2021
and
W.M.P.Nos.9357 & 9358 of 2021

R.Sakthivel

... Petitioner

Versus

Dharmapuri District Central Co-operative Bank Ltd.,
Rep.by its Special Officer/The Joint Registrar of
Co-operative Societies,
Dharmapuri Circle,
Dharmapuri.

2.The Joint Registrar of Co-operatives/
Chairman, District Recruitment Board,
Dharmapuri District.

... Respondents

[R-2 impleaded vide order dated 20.06.2022 made in
WMP.No.15773/2021]

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to quash the impugned result published by the Respondent through Website dated 24.03.2021 and consequently to direct the Respondent to declare the Petitioner's result and to select and appoint him if he is qualified for the post.



W.P.No.8819 of 2021

WEB COPY

For Petitioner : Mr. J. Pradeep
For Respondents : Mr. L.P. Shanmugasundaram,
for Mr. G. Nanmaran,
Special Government Pleader. (for R1)
: Mrs. R. Anitha,
Special Government Pleader (for R2)

ORDER

This Writ Petition has been filed challenging the result published by the respondent through the website dated 24.03.2021, and consequently to direct the respondent to declare the petitioner's result and to select and appoint him, if he is qualified for the post.

2.The case of the petitioner is that the petitioner applied for the post of Assistant in the Central Co-operative Bank, pursuant to the notification dated 11.03.2020 vide Advertisement No.01/2019. The petitioner attended the written examination and he scored 42.50 marks. The petitioner was also called for an interview along with certificate on 27.01.2021 and accordingly, he appeared. When the result was published, the petitioner's name was not found and the marks obtained by him is reflected as zero.

3.In the counter affidavit filed by the respondent, it has been stated, that the petitioner's appointment was not considered, since he does not



W.P.No.8819 of 2021

possess the required pattern of 10+2+3 qualification.

WEB COPY

4. According to the petitioner, he completed his 10th standard in the year 1995; completed two years ITI course in the year 1997; completed B.A. (Co-operation) during 2005; completed 12th standard in March, 2011; and thereafter, completed B.A.(English) in the year, 2014.

5. The one and only reason for not giving appointment order is that the petitioner has not complied the required 10+2+3 pattern of eligibility. It is seen that the petitioner had completed 10th standard during March, 1995; ITI course during July 1997; B.A. (Co-operation) during 2005; 12th standard in June, 2011 and only thereafter, completed B.A. (English) in the year 2014.

6. The G.O.(Ms).No.242, Higher Education (B1) Department, dated 18.12.2012, would clarify that the completion of two years ITI course, after completing 10th standard, and thereafter completing the degree course through distance education mode would be taken as 10+2+3 pattern eligibility. So the completion of two years ITI course is treated as equivalent to that 12th standard qualification.



W.P.No.8819 of 2021

7.As per the G.O.(Ms).No.34 issued by the Labour Welfare and Skill Development (S1) Department, dated 30.03.2022 also, students who have passed 10th standard and have successfully completed any of the two year regular ITI courses by National Council for Vocational Training (NCVT) and those who have completed the 12th standard and possessing the relevant certificates, shall be considered that their qualification is equivalent to that of 12th standard.

8.As per the aforesaid G.Os., the petitioner has complied the above requirements and there is no strong reason to reject his appointment that he has not satisfied the required 10+2+3 pattern.

9.Further, the petitioner was not even informed as to why his appointment was withheld by the respondent, despite he was called for interview and certificate verification, which is just a penultimate step before getting an order of appointment.

10.Even though the learned Special Government Pleader has submitted that the petitioner has not uploaded the ITI certificate, at the time of submitting his application. The said fact was not reflected in the counter



W.P.No.8819 of 2021

filed by the respondent. Further, the application of the petitioner was also not rejected on the said basis.

11.On the date of the certificate verification, the petitioner was not able to produce all his certificates. However, the respondent ought to have verified the certificates of the petitioner, in the light of the aforesaid G.O.(Ms).No.242, Higher Education (B1) Department, dated 18.12.2012, and G.O.(Ms).No.34, Labour Welfare and Skill Development (S1) Department, dated 30.03.2022 already issued in this regard.

12.Since the petitioner has the required 10+2+3 pattern eligibility, this writ petition is allowed and the respondent is directed to issue the appointment order within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

10.10.2023

Index : Yes/No
Speaking / Non-Speaking order
Neutral Citation : Yes/No

klt



W.P.No.8819 of 2021

To:

WEB COPY

1. The Special Officer/The Joint Registrar of Co-operative Societies,
Dharmapuri District Central Co-operative Bank Ltd.,
Dharmapuri Circle,
Dharmapuri.
2. The Joint Registrar of Co-operatives/Chairman,
District Recruitment Board,
Dharmapuri District.



WEB COPY



W.P.No.8819 of 2021

R.N.MANJULA ,J.

klt

W.P.No.8819 of 2021
and
W.M.P.Nos.9357 & 9358 of 2021

10.10.2023