



WEB COPY



WP.No.21600 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2023

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

WP.No.21600 of 2023
and W.M.P.Nos.20970 & 20971 of 2023

Thirugnanam

.. Petitioner

Versus

1.The Registrar of Cooperative Society
170, EVR Road
Dr.Ramakrishnan Nagar, SBI Officer Colony
Arumbakkam, Chennai – 600 106

2.The Chairman/Regional Joint Registrar
of Co-operative Societies
District Recruitment Bureau
Mayiladuthurai

3.The Controller of Examination/District Registrar
(Public Distribution System)
District Recruitment Bureau
Mayiladuthurai

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for records relating to the selection List for the Post of Fair Price Shop Salesman run by the Cooperative Societies in Mayiladuthurai District issued by the 3rd respondent dated 07.07.2023 pursuant to the Notification No. 1/ 22 issued by the 2nd Respondent calling for eligible candidates for the recruitment of fair price Shop Salesman run by the Cooperative Society in Mayiladuthurai District and quash the same for non inclusion of the Petitioner and consequently direct the 2nd respondent to issue a fresh Notification for the recruitment for the post of salesman in the fair price shop run by the cooperative society within Mayiladuthurai district.



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dated 30.04.2017, he was appointed as a Salesman in the said Society and he has been working till date. Thereafter, a notification in Notification No.1/2022 was published by the second respondent inviting applications from eligible candidates for the post of the salesman in all Primary Agricultural Cooperative Credit Societies in Mayiladuthurai District.

3. The petitioner submitted the application through online on 16.10.2022 and thereafter, he was called for personal interview on 15.02.2022. However, he has not been selected for the post of Salesman in the Cooperative Society in Mayiladuthurai. Hence, notification has to be quashed mainly on the ground that the respondent has failed to consider the fact the G.O.Ms.No.122HRM (K2) Department dated 02.11.2021. According to the petitioner, the petitioner is the first graduate in his family and therefore, he has got priority in the appointment for the post of salesman and the same has not been considered. That apart, the petitioner is also having sufficient experience in the Co-operative Society and he is also working in a Cooperative Society. Hence, seeks to allow this writ petition.

4. Mr.R.Shanmugasundaram, learned Advocate General, on instructions, submitted that though the applicant has now claimed priority under



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G.O.Ms.No.122HRM (K2) Department dated 02.11.2021, however, in the application, he has not claimed such priority. Likewise, he had also clearly mentioned in the application that he is not employed anywhere. Therefore, it is his contention that the petitioner has introduced such claim only in the present writ petition. Further, when the person has not claimed any priority in the application, now, invoking the Government Order does not arise at all. Further, it is also his contention that the selected person is already given posting and joined their respective posts.

5. Heard both sides and perused the materials placed on record.

6. The main ground on which the notification is challenged is that the G.O.Ms.No.122HRM (K2) Department dated 02.11.2021 has not been considered and the petitioner ought to have been given priority in appointment. On perusal of the application filed by the petitioner, it would indicate that the petitioner himself at the time of application has stated that he is not claiming any right in priority in G.O.Ms.No.122HRM (K2) Department dated 02.11.2021 and also stated that he is not employed anywhere. Therefore, now he cannot contend that the Government Order has not been considered by the respondents. If the petitioner has claimed any right and the respondent has not



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considered the Government Order, then it can be said, there is some procedural lapse. Further, when the petitioner himself had stated that he is not employed anywhere and has not claimed any priority as per the Government Order, such being the position, now the contention of the petitioner that the Government Order has not been considered cannot be countenanced. Further, in order to substantiate such claim, no documents whatsoever has been produced before this Court.

7. Accordingly, this writ petition stands dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

21.07.2023

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Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No



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