



W.P.No.24279 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2023

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THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.24279 of 2021
and W.M.P.No.25592 of 2021

P.Kalairani

...

Petitioner

/vs/

1. The Registrar of Co-operative Societies,
No.170, NV Natarajan Maligai,
Periyar EVR High Road,
Kilpauk, Chennai – 600 010.

2. The Chairman,
District Recruitment Bureau,
O/o. Joint Registrar of Co-operative Societies,
Erode District.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records impugned proceedings dated 26.10.2021 issued by the second respondent in R.C.No.4983/2021/SF and quash the same and consequently direct the second respondent to issue order of the appointment to the petitioner in the post of Assistant in the Erode District Central Co-operative Bank.



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For Petitioner ... Mr.T.Rajagopalan
for Mr.L.P.Shanmugasundaram
For Respondents ... Mr.S.Silambanan
Additional Advocate General
for Mr.T.Chezhiyan
Additional Government Pleader

ORDER

This writ petition has been filed for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings dated 26.10.2021 issued by the second respondent in R.C.No.4983/2021/SF and quash the same and consequently direct the second respondent to issue an order of the appointment to the petitioner in the post of Assistant in the Erode District Central Co-operative Bank.

2. The petitioner who was kept under the waiting list for the post of Assistant in the Erode District Central Co-operative Bank was not given with an opportunity of employment though there were vacancies, due to failure to join by the selected candidates.

3. The learned counsel for the petitioner submitted that the second respondent had chosen to treat the unfilled vacancies as backlog vacancies



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and opted to fill it during next recruitment by cancelling the waiting list; the reasons stated by the second respondent is that the results have been published on 22.02.2021 and the validity of waiting list has already been lapsed on 21.08.2021.

4. The learned Additional Advocate General for the respondents submitted that whenever the allotted candidates omitted to join duty, their selection will be cancelled and the Erode District Central Cooperative Bank would request to move the waiting list to fill up the vacancies; the second respondent did not move the waiting list to fill up the vacancies for the reasons best known to him though it is within his knowledge that the persons who have selected have not chosen to join.

5. For the inaction on the part of the second respondent, the candidates who have undergone the selection process should not get affected. The whole object of creating waiting list candidate is to utilize the list whenever the selected candidates omitted to join the post. In this regard it is relevant to refer Rule No.151(5)(c) of the Tamil Nadu Co-operative



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Societies Rules, 1988 which is extracted under:

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“ For every four vacancies or part thereof, one more candidate shall be selected and kept in the waiting list which shall be in force for a period of six months from the date of finalization of selection.”

6. As per the above Rule 151(5) (c) of Tamil Nadu Cooperative Society Rules, for every four vacancies, one candidate shall be selected and be kept in the waiting list. Since five candidates have not chosen to join, the petitioner who is standing in waiting list No.4, if found eligible to be posted in any of the vacancies as against the respective category, she ought to have been given with an opportunity irrespective of the fact whether six months time lapsed or not. This is in view of the fact that the default is not on the petitioner but due to the indifferent attitude of the second respondent who had not chosen to move the waiting list by sending request to the first respondent.

7. The petitioner had already filed a writ petition in W.P.No.17787 of 2021 and got the following direction:

“ 4. Recording the same, this Writ Petition is disposed by directing the second respondent to fill up the vacancies / operate the waiting list and



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if the petitioner is otherwise found eligible, appointment order may be issued to the petitioner. This exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.”

In pursuant to the above order, the impugned order has been passed by the second respondent on 26.10.2021 by stating that waiting list got lapsed and that the petitioner has not been selected for the post.

8. It is nobody's case that the petitioner got selected to the post and he has got an appointment order. Just because the petitioner is in the waiting list and the persons selected are not appointed, he has filed the earlier writ petition. Hence, the reasons stated in the impugned order that the petitioner was not selected is unreasonable and unnecessary. The essential elements that has to be considered for the case of the petitioner has not been considered before passing an order. The second respondent ought to have considered the petitioner's eligibility as against the existing vacancy corresponding to its category and passed an order. The waiting list got lapsed only on account of the negligence on the part of the second respondent and not due to any fault on the part of the petitioner.



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9. Since the impugned proceedings have been passed by reasserting the same old reason that the waiting list got lapsed due to lapse of six months, I feel the second respondent should be directed to understand the order passed in the earlier Writ Petition in its true letter and spirit and pass orders.

10. Accordingly, this writ petition is disposed with a direction to the second respondent to understand the order passed in the earlier Writ Petition in W.P.No.17787/2021 by taking into consideration of all relevant facts and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order. No costs. Connected miscellaneous petition is closed.

07.11.2023

Index: Yes / No
Speaking order / Non-speaking order
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To:

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R.N.MANJULA ,J.

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