



W.P.No.27549 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:08.02.2023

Coram

The HONOURABLE MR.JUSTICE **N.ANAND VENKATESH**

**W.P.No.27549 of 2021**  
**and W.M.P.Nos.29096 and 29097 of 2021**

V.K.Babu

.. Petitioner

Vs

1.The President,  
D.D.108 Mathur Primary Agricultural  
Co-operative Society,  
Mathur Village and Post,  
Pochampalli Taluk, Krishnagiri District.

2.The Deputy Registrar,  
Co-operative Societies Deputy Registrar Office,  
Krishnagiri, Krishnagiri District.

..

Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus to call for the records in connection with Na.Ka.No.2277/2021/Tho.Va. dated 03.12.2021 of second respondent and resolution passed by the first respondent on 10.12.2021 removing petitioner from the post of Assistant Secretary and quash the same and consequently direct the respondents to reinstate the petitioner with all salary benefits.



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For Petitioner : Ms.L.Aiswaryalakshmi  
For Respondents : Mr.S.Arumugam,  
Government Advocate for R1  
Mr.E.Sundaram,  
Government Advocate for R2

### ORDER

This writ petition has been filed challenging the impugned order passed by the second respondent through proceedings dated 03.12.2021 and the subsequent resolution passed by the first respondent dated 10.12.2021 wherein the petitioner was removed from the post of Assistant Secretary.

2. The case of the petitioner is that he was appointed and was working as a Clerk in the first respondent society from the year 1992 and thereafter he was promoted as an Assistant Secretary in the year 2000. The further case of the petitioner is that from January, 2009 onwards, he was not allowed to work by the then Secretary and hence the petitioner made various representations to give him employment. Accordingly, the first respondent reinstated the petitioner into service.



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3. The grievance of the petitioner is that the second respondent has straight away passed the impugned order dated 03.12.2021 terminating the petitioner. Aggrieved by the same, the present writ petition has been filed before this Court.

4. Heard Ms.L.Aiswaryalakshmi, learned counsel appearing on behalf of the petitioner, Mr. Mr.S.Arumugam, learned Government Advocate appearing on behalf of the first respondent and Mr.E.Sundaram, learned Government Advocate appearing on behalf of the second respondent.

5. The petitioner, who was working as the Assistant Secretary was actually terminated from service by the first respondent society. The said termination became the subject matter of challenge before this Court in W.P. No.17432 of 2020 and this writ petition was dismissed by an order dated 10.12.2020. The petitioner therefore filed an appeal in W.A. No.1397 of 2021 and this appeal was pending before the Court.

6. In the meantime, the petitioner was making



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representations to the first respondent and based on the representations, the first respondent passed a resolution on 21.06.2021 and the petitioner was taken back into service. This reinstatement was done subject to the approval from the Deputy Registrar of Co-operative Societies.

7. The Deputy Registrar of Co-operative Societies immediately on coming to know of the above development issued the impugned proceedings dated 03.12.2021 directing the removal of the petitioner from the post of Assistant Secretary on the ground that the very reinstatement is illegal and the same was done by the first respondent society without any authority. In continuation to the impugned proceedings of the second respondent, the first respondent passed a resolution on 10.12.2021 removing the petitioner from the post of Assistant Secretary.

8. In the considered view of this Court, the very reinstatement of the petitioner was illegal since the petitioner was already terminated from service. In any case, the reinstatement was subject to the approval of the Deputy Registrar and the Deputy Registrar did not grant any approval. Hence the continuation of the



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petitioner in the post of Assistant Secretary does not have the backing of law and the second respondent therefore has rightly passed the impugned order dated 03.12.2021 directing the removal of the petitioner immediately from the post of Assistant Secretary.

9. This Court does not find any ground to interfere with the order passed by the second respondent and the consequential resolution passed by the first respondent and the petitioner, who entered through back door in the first respondent society, cannot be heard to complain that he has been removed from the service without opportunity. When the very appointment of the petitioner is illegal, there is no question of granting opportunity to the petitioner and such a claim made by the petitioner will only result in a useless formality to be followed while cancelling an illegal appointment.

10. In the result, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

**08.02.2023**

Index:Yes/No  
Neutral Citation:Yes/No  
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**N.ANAND VENKATESH,J.**

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