



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 20.09.2023

Pronounced on : 27.09.2023

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.28326 of 2022
and W.M.P.Nos.27631, 27632 & 27633 of 2022

1.K.Manickam
2.S.Kumar

.. Petitioners

Versus

1.Government of Tamil Nadu
Rep by its Director of Co-operative Audit
Directorate of Co-operative Audit
571, Anna Salai, 2nd Floor
Perasiriyar Anbazhagan Complex
Veterinary Hospital Complex, Nandanam
Chennai – 600 035

2.The Tamil Nadu Public Service Commission
Represented by its Secretary
Frazer Bridge Road
VOC Nagar, Park Town
Chennai – 600 003

3.Registrar of Cooperative Societies
N.V.Natarajan Maligai
No.170, Periyar EVR High Road
Poonamallee High Road
Kilpauk, Chennai – 600 010

.. Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records from the 2nd respondent relating to the Notification dated 12.10.2022 bearing heading as “Assistant Director of Co-operative Audit in the Tamil Nadu Co-Operative Service List-OT” read with Annexure bearing nil and quash the same insofar as the Petitioners registration Nos. 0101002317 and 0101001235 is included in the Annexure under rejection column as illegal arbitrary violation of Principles of Natural Justice and without jurisdiction and to consequently direct the 2nd Respondent to consider the Petitioners as being for the post of Assistant Director of Co-Operative Audit pursuant to the Notification dated 21.01.2022 and issue them appointment orders based on the marks secured along with the other candidates called for the Oral Test by notification dated 12.10.2022 together with seniority, monetary benefits and other service benefits which they would have got had the 2nd respondent not rejected their candidature in the Annexure to the Notification dated 12.10.2022.

For Petitioners : Mr.K.Srinivasa Murthy
for M/s.Row and Reddy

For Respondents : Mr.J.Ravindran, AAG
assisted by
Mr.U.Bharanidharan for R1 & R3
Additional Government Pleader
Mr.I.Abrar Mohammed Abdullah for R2

ORDER

This writ petition has been filed challenging the rejection list dated 12.10.2022, under which, it has been disclosed that though the petitioners are qualified to attend the oral interview, their names have been rejected for various reasons.



2. It is the grievance of the writ petitioners that they are fully qualified and they are the holders of Diploma in Cooperative Management which is issued by the Tamil Nadu Cooperative Unions, Chennai – 600 010. Such course is equivalence to the Diploma in Cooperation. Therefore, it is the contention that when they have equal degree and its equivalence is also accepted by the Government, the respondents ought not to have rejected their candidatures.

3. In the counter, it is the contention of the respondents that the petitioners have not uploaded the Government Order in G.O.Ms.No.72, Finance (Co-operative Audit) Department dated 12.03.2013 for equivalence of qualification issued on or before the date of notification. Therefore, their candidatures have been rejected. Hence, it is the contention that instructions to the candidates are mandatory and cannot be relaxed, if done so, more disqualified candidate would also also seek for the same relief.

4. Heard both sides and perused the materials placed on record. No doubt, the candidates has to follow the instructions scrupulously, but, whereas, in this case, much water has been flown. Though initially the



petitioners were not called for interview, this Court passed the Order dated 28.10.2022 permitting the petitioners to attend the oral interview which was scheduled to take place on 31.10.2022, the same is not in dispute.

5. The petitioners have possessed the Diploma in Co-operative Management, which is issued by the Tamil Nadu Cooperative Unions, Chennai, whereas, the notification only deals with the Diploma in Cooperation. Despite the fact that the issuance of Diploma in the name of the Cooperation has been dispensed with from 2001 and 2002, now the Diploma is being issued in the name of the Cooperative Management from the year 2004-2005 including two other subjects also. This aspect is also not disputed and the same can be seen in Na.Ka.No.5059/2022/D2 dated 15.12.2022.

6. Further, the Government Order in G.O.Ms.No.72, Finance (Co-operative Audit) Department dated 12.03.2013 would clearly show that the M.Com and Higher Diploma in Cooperative Management is equivalent to M.Com with Higher Diploma in Co-operation. Similarly, M.Com without Co-operation plus Higher Diploma in Cooperation plus Higher Diploma in Co-operation is equivalent to B.A. Co-operation with M.Com. M.A. Co-operation



is equivalent to M.A.Co-operation management. M.Com., Co-operative Management is equivalent to M.A.Co-operation. M.Com without Co-operation plus Higher Diploma in Co-operation is equivalent to M.Com Co-operative Management. M.Com without Co-operation plus Higher Diploma in Co-operation is equivalent to M.Com with Diploma in Co-operation. The Government has accepted such equivalence.

7. Such view of the matter, when the petitioners are already possessed with such qualification and also permitted by this Court to participate in the interview, this Court is of the view that based on the eligibility and their merits, if otherwise they are eligible for appointment, the respondents shall appoint them in the post, taking note of the marks and other eligibility.

8. It is only when the Government Orders relating to equivalence are uploaded, the candidates would also get to know about the Government Order. Unless and until, the Government Orders are uploaded, it is difficult for the candidate to upload the Government Order relating to equivalence degree. Therefore, merely, on the basis of instruction to candidate accrued right of the successful candidate cannot be denied.



9. With the above directions, this writ petition stands disposed of. No costs. Consequently connected miscellaneous petitions are closed.

27.09.2023

dhk

Internet : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No



WEB COPY

7



To

1.The Director of Co-operative Audit
Directorate of Co-operative Audit
Government of Tamil Nadu
571, Anna Salai, 2nd Floor
Perasiriyar Anbazhagan Complex
Veterinary Hospital Complex, Nandanam
Chennai – 600 035

2.The Secretary
The Tamil Nadu Public Service Commission
Frazer Bridge Road
VOC Nagar, Park Town
Chennai – 600 003

3.Registrar of Cooperative Societies
N.V.Natarajan Maligai
No.170, Periyar EVR High Road
Poonamallee High Road
Kilpauk, Chennai – 600 010



WEB COPY



8

N.SATHISH KUMAR, J.

dhk

W.P.No.28326 of 2022

27.09.2023
(4/7)