



Writ Petition No.29959 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2023

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition No.29959 of 2023

N.Jayanthi
D/o.Nagarajan

... Petitioner

Vs.

1. State of Tamil Nadu
Represented by its Secretary to Govt.
Co-operation, Food and Consumer Protection Department,
Secretariat, Chennai-600 009.
2. The Registrar of Co-operative Societies
N.V.N.Natarasan Maligai
No.17, EVR Periyar High Road
Kilpauk, Chennai-600 010.
3. The Joint Registrar
Tiruvarur Recruitment Bureau for Cooperative Societies
Tiruvarur Region
Co-operative Complex (Behind Medical College)
Thandalai, Tiruvarur 610 004.
4. The District Collector of Tiruvarur
QJJ4 + CG8 Master Plan Complex



Writ Petition No.29959 of 2023

Nagapattinam Road, Tiruvarur District
Tamil Nadu - 610 004.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the orders dated 24.08.2023 in Na.Ka.No.1200/2022/G, Rule 2(2) issued by the 3rd respondent and quash the same and consequently direct the 3rd respondent to issue an appointment order based on the order dated 14.08.2023 in Na.Ka.No.1200/2022/G, Rule 2(2).

For Petitioner : Mr.T.N.Bhuvaneswaran

For Respondents : Mr.V.P.R.Elamparithi
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking for Certiorarified Mandamus to call for the order dated 24.08.2023 in Na.Ka.No.1200/2022/G Rule 2(2) issued by the 3rd respondent and quash the same and consequently, to direct the 3rd respondent to issue an appointment order based on the order dated 14.08.2023 in Na.Ka.No.1200/2022/G Rule 2.



Writ Petition No.29959 of 2023

2. Mr.V.P.R.Elamparithi, learned Additional Government Pleader accepts notice for respondents. By consent of both sides, the main writ petition is taken up for final disposal at the admission stage itself.

3. The case of the writ petitioner in a nutshell is as follows:

3.1. The writ petitioner belongs to Scheduled Caste Community. She is having three sisters, of whom, one sister is deaf and dumb and their parents died in the year 2019 due to an accident. She is taking care of her three sisters. Based on a notification No.01/2022 dated 13.10.2022, the writ petitioner, who is aged 42 years, applied for the post of salesman in Cooperative Department, Tiruvarur District through application No.28105713 and attended interview on 17.12.2022. There are totally 167 vacancies for the post of salesman and 15 vacancies for the post of packers. Since the writ petitioner has not received any communication from the respondents, she gave several petitions to the respondents, Hon'ble Chief Minister and a member of Parliament.



Writ Petition No.29959 of 2023

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3.2. On 27.02.2023, writ petitioner received a reply from the office of Zonal Joint Registrar, advising her to participate in the ensuing interview to be conducted by the District Recruitment Bureau to get appointment in the existing vacant post of salesman. Thereafter, the writ petitioner made a representation dated 24.04.2023 to the Zonal Joint Registrar, District Cooperative Recruitment Bureau, requesting her to appoint her in the post of salesman. Since there was no response, the writ petitioner filed a writ petition in W.P.No.20657 of 2023 before this Hon'ble Court and the said writ petition came to be disposed of on 12.07.2023 with a direction to first respondent to consider the representation of the writ petitioner dated 24.04.2023 on its own merits and pass appropriate orders in accordance with law within a period of one month from the date of receipt of a copy of the order. As per the above said order, an Enquiry Officer from Controller of Examination Office enquired about the financial situation of the writ petitioner and also given an undertaking to recommend her for the above said post to the first respondent and the writ petitioner was advised to obtain 'No Objection Certificate' from her three sisters for appointment on



compassionate ground.

3.3. Under such circumstances, the writ petitioner received an order dated 14.08.2023 of the first respondent wherein it is stated that 'your request was considered based on the marks, community rotation, preferential basis and also rank basis as prescribed for the said vacant post'. The first respondent neither denied the request of the writ petitioner nor issued appointment order to the writ petitioner which is against Sub-Rule (6) of Rule 151 of Tamil Nadu Cooperative Societies Rules, 1988. The writ petitioner sent a notice dated 14.08.2023 through advocate to the respondents requesting them to issue appointment order but the same has been rejected vide order dated 24.08.2023 passed by the third respondent, which is totally contrary to the letter dated 14.08.2023 issued by the first respondent. Hence, the present writ petition has been presented in this Court on 27.09.2023.



Writ Petition No.29959 of 2023

4. Learned counsel for writ petitioner submitted that the interview was conducted for total vacancies of 167 posts and now, the respondents issued appointment order only for 163 candidates and 3 vacancies are unfilled till the filing of this writ petition. Learned counsel further submitted that out of 3 vacancies, 2 vacancies belong to the Scheduled Caste Community and writ petitioner also belongs to the Scheduled Caste Community and hence, a specific direction may be given to the respondents to give appointment order to the writ petitioner.

5. In response to the above, learned Additional Government Pleader for respondents submitted as follows :

(i) The writ petitioner has scored weightage mark of 28.50 (Academic Mark $684/1200 * 50$) and interview mark of 22.00, totalling 50.50/100, her communal rank is 1266 and her overall rank is 3436 out of 5458;

(ii) For the post of salesman 7858 applicants and for the post of packers 1095 applicants have applied through online.



Writ Petition No.29959 of 2023

Out of these, 5458 applicants for the post of salesman and 540 applicants for the post of packers have attended interview, 164 candidates were provisionally selected, result was published on the official website on 14.08.2023, appointment order was issued on the same day and 160 candidates have joined in the respective Cooperative Institutions;

(iii) The writ petitioner applied for the post of salesman and attended interview on 17.12.2022 but she did not mention any priority in the online application;

(iv) The writ petitioner filed a writ petition in W.P.No.20657 of 2023 before the Hon'ble Madras High Court and the same came be disposed of on 21.07.2023 with a direction to consider her representation dated 24.04.2023. However, the Thiruvavur District Recruitment Bureau published the result of salesman on official website only on 14.08.2023 after complying the order dated 21.07.2023 made in W.P.No.20657 of 2023;



Writ Petition No.29959 of 2023

(v) Out of 167 vacancies, only 164 vacancies have been filled and the remaining 3 vacancies are reserved for (i) GT - Priority - MUD/MID/SLD/AUD, (ii) MBC/DC - Woman - MUD/MID/SLD/AUD and (iii) SC(A) - Priority - LV/VI (Low Vision). Since applications were not received under these categories, the aforementioned three posts were not filled. The above selection is purely based on the G.Os and Rules and hence, this writ petition is liable to be dismissed.

6. Considering the fact and circumstances of the case and considering the submissions made by both sides, this Court is of the view that the writ petitioner does not fall under the aforementioned three categories and therefore, she is not eligible for the post of salesman. Since the selection for the above posts is purely based on the G.O.s and Rules, this Court does not find any ground to interfere with the impugned order passed by the third respondent and hence, this writ petition is liable to be dismissed.



Writ Petition No.29959 of 2023

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Accordingly, this Writ Petition is dismissed. There shall be no order

as to costs.

17.10.2023

Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No

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To

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Writ Petition No.29959 of 2023

V.BHAVANI SUBBAROYAN., J

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Writ Petition No.29959 of 2023

17.10.2023