



W.P(MD)No.26906 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2023

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.26906 of 2023

and

W.M.P(MD)Nos.23115 & 23117 of 2023

S.Marimuthu

... Petitioner

Vs.

1.The Joint Registrar of Co-operative Societies/
Common Cadre Authority,
O/o. The Joint Registrar of Co-operative Societies,
Tirunelveli Region,
Tirunelveli.

2.The Deputy Registrar of Co-operative Societies,
O/o. The Deputy Registrar of Co-operative Societies,
Cheranmahadevi Circle,
Tirunelveli District.

3.The Administrator,
O.979, Vadakku Ariyanayagipuram Primary
Agricultural Co-operative Credit Society,
Vadakku Ariyanayagipuram,
Cheranmahadevi Taluk,
Tirunelveli District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to



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call for the records relating to the impugned order vide ந.க. 2182/2019/தொவேச நாள் 25.07.2023 and the consequential order vide ந.க.2182/2019/தொவேச நாள் 13.09.2023 passed by the 2nd respondent and quash the same and consequently direct the 1st and 2nd respondents to post/transfer any of the regular Secretary in the O.979, Vadakku Ariyanayagipuram Primary Agricultural Cooperative Credit Society in accordance with the Tamil Nadu Primary Agricultural Cooperative Credit Societies Common Cadre Service Rules 2019 and the Circular vide ந.க.92635/2016/தொவேச 1 நாள் : 13.05.2022 issued by the Registrar of Co-operative Societies.

For Petitioner : Mr.D.Shanmugaraja Sethupathy
for Mr.M.Murali

For Respondents : Mr.T.Villavankothai
Additional Government Pleader

ORDER

The present writ petition has been filed by an Assistant working in a Co-operative Society challenging an order, wherein he has been placed in charge as the Secretary of the said Co-operative Society.

2. According to the learned counsel appearing for the petitioner, he is an Assistant / Clerk and he is not in the feeder category to be appointed to the post of Secretary of a Society. He further contends that



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the post of Secretary belongs to the common cadre service and he does not fall within the said service. He further points out the circular issued by the Registrar of Co-operative Societies on 13.05.2022, wherein the Joint Registrars of Co-operatives have been directed not to appoint the lower level employees as Secretaries. Hence, he has prayed to quash the order, wherein he was appointed as in charge Secretary.

3. Per contra, the learned Additional Government Pleader appearing for the respondents had contended that it is only a temporary / interim arrangement till a regular Secretary is appointed in the common cadre service. Therefore, the petitioner cannot have any grievance over the same.

4. In the light of the circular issued by the Registrar of Co-operative Societies on 13.05.2022 and the emergency pointed out by the respondent Department, this Court is of the view that the petitioner could be in charge of the post of Secretary till 31.12.2023. Thereafter, the respondents are directed to make alternative arrangement to appoint regular Secretary.



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5. With the above said observations, this Writ Petition stands disposed of. No

costs. Consequently, connected Miscellaneous Petitions are closed.

09.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To

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Tirunelveli Region,
Tirunelveli.
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O/o. The Deputy Registrar of Co-operative Societies,
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R.VIJAYAKUMAR,J.



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Order made in
W.P(MD)No.26906 of 2023

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