



**W.P.(MD).No.30557 of 2023**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED : 21.12.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.30557 of 2023**

**and**

**W.M.P(MD) Nos.26274 and 26275 of 2023**

B.Belvin Prabhakar

Vs.

... Petitioner

1. The State Government,  
Represented by its Secretary,  
Department of Co-operation,  
Food and Consumer Protection,  
St.George Fort, Secretariat,  
Chennai – 600 009.
2. The Registrar of Co-operative Societies,  
EVR Maaligai,  
Kilpauk,  
Chennai – 600 010.
3. The Additional Registrar of Co-operative Societies,  
Chennai Zone,  
No.91, St.Mary's Road,  
Abhiramapuram,  
Chennai – 600 018.
4. The Joint Registrar of Co-operative Societies/  
Chairman of District Recruitment Bureau,  
Kanniyakumari District.

... Respondents



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**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the Notification No.01, dated 10.11.2023 passed by the fourth respondent and quash the same and consequently direct the fourth respondent to issue necessary to fill up the vacant post of Assistant by promoting the petitioner which is a feeder category post, as per the bylaws of the Society Kanyakumari District.

|                 |                                                                                                                              |
|-----------------|------------------------------------------------------------------------------------------------------------------------------|
| For Petitioner  | : Mr.G.Dhiva Barathi                                                                                                         |
| For Respondents | : Mr.Veera Kathiravan<br>Additional Advocate General<br>Assisted by<br>Mr.T.Villavan Kothai<br>Additional Government Pleader |

### **ORDER**

The present writ petition has been filed by a Fertilizer Salesman working in Kumarapuram Primary Agricultural Co-operative Society challenging a notification issued by the District Recruitment Bureau, Kanniyakumari District for the post of Assistants.



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2. According to the learned counsel appearing for the writ petitioner, direct recruitment for the said post would affect the promotional opportunities and the educational qualification that has been prescribed under the said notification is not valid in the eye of law.

3. The learned Additional Advocate General appearing for the respondents points out that there are two posts in the Assistant category in the Primary Agricultural Co-operative Society. One is reserved for promotion from the post for Fertilizer Salesman and the other is reserved for Direct Recruitment. As far as the post reserved for promoting Assistant is concerned, it is already occupied by one Ayyappan, who is senior to the writ petitioner. Unless and until the said Ayyappan had retired or vacated on his promotion, the petitioner would not get any opportunity for promotion as Assistant. The petitioner cannot have any grievance whatsoever when the other post is reserved for Direct Recruitment which is sought to be filled up through the present notification.

4. The learned Additional Advocate General also brought to the notice of this Court that for being promoted from the post of Fertilizer Salesman to



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the post of Assistant, he should have completed three years of service. The petitioner was appointed as Fertilizer Salesman only on 01.08.2022 and therefore, he is yet to complete three years of qualifying service for being promoted as Assistant.

5. In view of the above said facts, this Court is not inclined to interfere with the notification impugned in the writ petition and there are no merit in this writ petition. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

**21.12.2023**

NCC : Yes/No  
Index : Yes / No  
Internet : Yes / No  
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**R.VIJAYAKUMAR,J.**

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