



WEB COPY



W.P.No.1722 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

**W.P.No.1722 of 2024**

**and**

**W.M.P.No.1770 of 2024**

T.Santhappan

.....

Petitioner

Vs

1. The Chairman,  
District Recruitment Bureau/  
Joint Registrar of Cooperative Societies  
Cuddalore Region,  
No.3, Beach Road, Cuddalore-1.  
Cuddalore District.

2. The Deputy Registrar of Cooperative Societies,  
Virudhachalam Circle, Virudhachalam – 606 001,  
Cuddalore District.

3. The Administrator,  
I.I.546, Vadakarai Primary Agricultural  
Cooperative Credit Society,  
Main Road, Konur Post – 606 105,  
Vadakarai Village, Tittagudi Taluk,  
Cuddalore District.

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Respondents

**Prayer :** Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus forbearing the respondents from filling up the Clerk post in the third respondent society.



W.P.No.1722 of 2024

For Petitioner : M/s.R.Hemalatha  
For R1 & R2 : Mr.S.Arumugham  
Government Advocate  
For R3 : Mr.P.Harish  
Government Advocate (CS)

**ORDER**

This Writ Petition has been filed forbearing the respondents from filling up the Clerk post in the third respondent Society.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner was working as Attender in the third respondent Society from the date of his appointment, i.e., on 05.12.1994. Therefore, the petitioner is eligible for the post of clerk, since he has the required qualification to the said post. Though the third respondent had sent a proposal to the first respondent for the promotion post of Clerk in the vacancy, it was not considered.

4. The learned Government Advocate appearing for the respondents submitted that now the petitioner is facing surcharge proceedings initiated under Section 87 of Tamil Nadu Co-operative Societies Act. Already



W.P.No.1722 of 2024

enquiry has been conducted under Section 81 of the Tamil Nadu Co-operative Societies Act and held that the petitioner had misappropriated to the tune of Rs.21 Lakhs along with other delinquents. Therefore, now he is facing surcharge proceedings under Section 87 of the Tamil Nadu Co-operative Societies Act. Hence, the petitioner is not entitled for the promotion to the post of Clerk. That apart, already the post of Clerk had been filled up and they are going to join in the post of Clerk. Therefore, the writ petition is devoid of merits and it is liable to be dismissed.

5. Accordingly, this Writ Petition stands dismissed.

Consequently, connected miscellaneous petition is closed. No costs.

29.01.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

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**G.K.ILANTHIRAIYAN. J.**



W.P.No.1722 of 2024

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**W.P.No.1722 of 2024**

29.01.2024