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W.P.No.25824 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.No.25824 of 2011

and

M.P.No.01 of 2011

A.Krishnan

....Petitioner

Vs

1. The Registrar of Cooperative Societies,
EVR Periyar High Road, Kilpauk,
Chennai -10.

2. The Joint Registrar of Coop. Societies,
Tiruvannamalai Region, Tiruvannamalai.

3. The Special Officer/Joint Registrar,
Tiruvannamalai District Central Coop, Bank,
Tiruvannamalai,
Tiruvannamalai District.

....Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleaded to issue a Writ of Certiorarified Mandamus to call for the entire records relating to the impugned order passed by the 2nd respondent in his proceedings Na.Ka.No.8555/2011 Sa.Pa, dated 20.09.2011 and quash the same and consequently direct the respondents to appoint the petitioner in the post of Assistant in the 3rd respondent bank in the 30% reserved for employees of Cooperative Societies.



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interview on 26.11.2010. The interview was only an eyewash for the reason that, respondents have already selected other candidates including his Juniors. Petitioner filed Writ Petition before this Court against the denial of employment. This Court in W.P.No.27477 of 2010 dated 30.06.2011 directed the respondents to consider the petitioner's representation dated 29.11.2010 within a time prescribed. Thereafter, 2nd respondent passed an order in Revision under Section 153 of Tamil Nadu Cooperative Societies Act in proceedings in Na.Ka.No.8555 of 2011 Sa.Pa, dated 20.09.2011 rejecting his contention. In the said circumstances, present Writ Petition is filed.

3. The learned counsel for the petitioner primarily filed this Writ Petition on the basis of the communication sent by the Joint Registrar of Cooperative Societies, Tiruvannamalai in Na.Ka.No.8555 of 2011 Sa.Pa, dated 20.09.2011. In para (ff) of the order, it is stated that, 30% of the vacancies to be filled only from persons working in affiliated Cooperative Societies. However, this 70% : 30% was not followed in the present selection process. Had it been followed, petitioner would have been selected. Thus, this Writ Petition is filed.



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4. In reply, the learned counsel for the respondent submitted that, there is no rule of providing 30% of reservation for the persons working in affiliated Cooperative Societies. Merely because some wrong message is given in the letter dated 20.09.2011 in Na.Ka.No.8555/2011 Sa.Pa., it cannot form basis for filing the Writ Petition. There is G.O. Issued by the Government in G.O.Ms.No.129 dated 07.09.2009 giving direction to the authorities to appoint eligible persons in terms of Rule 149 of Cooperative Societies Act. The appointments have been made only following this rules and thus he prays for dismissal of this petition.

5. In reply to this submission, the learned counsel for the petitioner submitted that, in impugned letter by the Joint Registrar of Cooperative Societies in Na.Ka.No.8555/2011 Sa.Pa, dated 20.09.2011, there is reference about the G.O.M.S.No. 142 dated 14.10.2009. Only based on this G.O referred in the impugned letter, 30% vacancies are reserved for persons working in the affiliated Cooperative Societies.

6. Considered the rival submissions and perused the records. When it is claimed that, on the basis of G.O.Ms.No.142 dated 14.10.2009, the Joint



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Registrar of Cooperative Societies had stated in Na.Ka.No.8555/2011

Sa.Pa, dated 20.09.2011 that 30% of the vacancies have to be filled from the persons working in the affiliated Cooperative Societies, the said G.O should have been produced before this Court. However, both the parties have not produced the said G.O before this Court.

7. Section 149 of Tamil Nadu Cooperative Societies deals with Conditions of service of paid officers and servants of societies. Section 149(2) reads as follows:

No appointment by direct recruitment to any post shall be made except by calling for a list of eligible candidates from the Employment Exchange and also giving due publicity by means of announcement in the notice board of the society and also of the affiliated societies, inviting application from the eligible employees of such societies. Where the employment exchange issues a non-availability certificate, the society shall invite applications by giving advertisement in more than one daily newspaper in which one should be in regional language having wide circulation throughout the State:

As per this rule, there is no rule available for fixing 30% of vacancies for persons working in the affiliated Cooperative Societies. Therefore,



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petitioner's claim that, 30% of vacancies should be filled from the persons working in affiliated Cooperative Societies is not correct and without foundational basis. Merely because some wrong message was communicated in Na.Ka.No.8555/2011 Sa.Pa, dated 20.09.2011, petitioner cannot base the claim of the basis of wrong message. Thus, this petition has no merits and it is liable to be dismissed.

8. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

27.03.2024

Index :Yes/No

Internet:Yes/No

Sma

To

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G.CHANDRASEKHARAN, J

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