



W.P.No.4378 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2024

CORAM:

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

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- 1.S.Marasamy
- 2.N.Sennimalai
- 3.R.Sadhasivam
- 4.J.K.Govindaraju
- 5.P.P.Palanisamy
- 6.G.Rathinakumar
- 7.G.Kumarasamy
- 8.P.Parameswaran
- 9.S.Latha
- 10.M.Venkidusamy
- 11.V.Sasikala
- 12.K.Geetha
- 13.S.Palanisamy
- 14.A.A.Renugadevi
- 15.K.Revathy
- 16.M.Shanthi

... Petitioners

Vs.

- 1.The Registrar of Cooperative Societies,
EVR Maaligai, Kilpauk,
Chennai 600 010
- 2.The Joint Registrar of Cooperative Societies,
Erode Region,
District Cooperative Office Complex 1st Floor,
Mohan Kumaramangalam Street, Surampatti,
Erode 638 009
- 3.The Deputy Registrar of Cooperative Societies,



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- Gopichettipalayam Circle,
42B, Balaji Nagar, Nallagoundenpalayam,
Gopichettipalayam 638 452.
Erode District
- 4.The Deputy Registrar of Cooperative Societies(PDS),
Erode Region,
District Cooperative Office Complex 1st Floor,
Mohan Kumaramangalam Street, Surampatti,
Erode 638 009
- 5.The Administrator,
K.290 Anthiyur Primary Agricultural Cooperative
Credit Society Ltd.,
Anthiyur 638 501,
Erode District
- 6.The Administrator,
AA.553 Sathiyamangalam Primary Agricultural Cooperative
Credit Society Ltd.,
37, Urumaiyan Street, Northpet,
Sathiyamangalam 638 401,
Erode District
- 7.D.Marutha Manojkumar ... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India praying to issue a writ of mandamus directing the respondents 1 to 5 to dispose the petitioners' representation dated 23.02.2023 and 13.07.2023 within a time frame fixed by this Court and depromote the seventh respondent to the post of Salesman and placed below the petitioners in the seniority list and promote the eligible person among them having



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fulfilled all prescribed educational qualification and other service condition and stand top in the seniority list to the post of Junior Assistant.

For Petitioners : Mr.S.Pushpakaran

For Respondents

For R1 to 4 : Mr.P.Sathish,
Additional Government Pleader

For R5 & 6 : Mr.P.Ananda Kumar

ORDER

This writ petition has been filed for direction to respondents 1 to 5 to dispose of the petitioner's representation dated 23.02.2023 and 13.07.2023 seeking to depromote the seventh respondent to the post of Salesman and to place below the petitioners in the seniority list and promote the eligible person with prescribed qualification to the post of Junior Assistant.

2. The petitioners are working as Salesman in the fifth respondent society. For several years, they are working as Salesman. While being so, one of the Salesmen i.e. Duraisamy died in harness on 23.05.2010 and his legal heir i.e. the seventh respondent applied for job



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on compassionate ground. According to the petitioners, the fifth respondent considered his claim for promotional post of Junior Assistant even though the seventh respondent is not qualified to be appointed directly to the said post as he does not have basic educational qualification as prescribed. Since there is no vacant post of Junior Assistant available in the fifth respondent society, the fifth respondent society resolved to appoint the seventh respondent as Junior Assistant in the sixth respondent society after obtaining consent affidavit from the seventh respondent. The apprehension of the petitioners is that if the seventh respondent is appointed as Junior Assistant in the fifth respondent society, they will loss their seniority to the post of Junior Assistant since it is a promotional post which requires completion of three years of work experience in the multilayer category post. Therefore, the petitioners submitted representation.

3. On perusal of the appointment order of the seventh respondent revealed that he was appointed in the sixth respondent society as Salesman / Junior Clerk which is equivalent to the post of Salesman



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and as such, the seventh respondent was not appointed as Junior Assistant since it is a promotional post and also it prescribes necessary educational qualification. Therefore, the apprehension of the petitioners is not correct and as such, the representations submitted by the petitioners cannot be considered and this writ petition is devoid of merits and liable to be dismissed.

4. Accordingly, this writ petition is dismissed. There shall be no order as to costs.

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(2/2)

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
lok

G.K.ILANTHIRAIYAN, J.

lok

To



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