



W.P.No.18126 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2024

CORAM:

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

W.P.No.18126 of 2023 and
WMP.No.17325 of 2023

P.Selvaraj

... Petitioner

Vs.

- 1.The Chairman,
District Recruitment Bureau/
Joint Registrar of Cooperative Societies,
Kallakurichi Region, Kallakurichi,
Kallakurichi District
- 2.The Joint Registrar of Cooperative Societies,
Kallakurichi Region, Kallakurichi,
Kallakurichi District
- 3.The Deputy Registrar of Coop. Societies,
Kallakurichi Circle, Kallakurichi,
Kallakurichi District
- 4.The President,
I.I.93 Chinna Salem Primary Agricultural
Cooperative Credit Society Ltd., Chinna Salem,
Kallakurichi District

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the entire records relating to the impugned order passed by the second



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respondent in his proceedings Na.Ka.280/2022/A1 dated 03.02.2023 and quash the same and consequently directing the respondents to permit the petitioner to join duty as Salesman in the fourth respondent society by taking note of the third respondent proceedings Na.Ka.3138/2008 P dated 15.07.2008.

For Petitioner : Mr.C.Prakasam

For Respondents

For R1 to 3 : Mr.S.Ravikumar,
Special Government Pleader

For R4 : Mr.T.Chezhiyan,
Additional Government Pleader

ORDER

This writ petition has been filed challenging the order passed by the second respondent dated 03.02.2023 thereby rejected the request made by the petitioner.

2. The petitioner was appointed as Salesman in the fourth respondent society in the year 2000. Subsequently, he was terminated from service in the year 2001 by the termination order dated 31.07.2001 on the file of the fourth respondent. It was challenged by the petitioner



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before this Court. This Court directed the respondents to conduct enquiry and accordingly to reinstate the petitioner if the petitioner is eligible for the said post. Thereafter, enquiry was conducted and on verification of records, the petitioner was denied employment. However, there was no order passed by the respondents. Therefore, once again the petitioner approached this Court and the third respondent was directed to pass order. Accordingly, the third respondent on 15.07.2008, passed order stating that whenever there is any vacancy arises, the petitioner will be absorbed and refused to reinstate the petitioner into service. Once again it was challenged before this Court and before that, similarly placed persons were reinstated and their services were regularised. Therefore, the petitioner submitted representation and also approached this Court. However, the request was rejected.

3. On perusal of the counter filed by respondents 1 to 3 and on hearing the submissions of the learned Special Government Pleader appearing for respondents 1 to 3, revealed that the petitioner was terminated in the year 2001 itself. He is not in employment for the past



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23 years. As directed by this Court, detailed enquiry was conducted and after verification of records in respect of eligibility, cadre strength and sanctioned posts, it was found that the petitioner failed to satisfy any one of the qualifications. Further, the petitioner has to fulfil his educational qualification on par with other persons who were appointed in sanctioned posts within cadre strength as per Rule 149 (1) of the Tamilnadu Cooperative Societies Rules. However, the petitioner failed to comply with the said conditions. Therefore, the request made by the petitioner was rightly rejected and this Court finds no infirmity or illegality in the impugned order passed by the second respondent.

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

22.07.2024
(3/3)

Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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To

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G.K.ILANTHIRAIYAN, J.

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