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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2024

CORAM

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.No.17062 of 2022
and W.M.P.No.16367 of 2022

F.Rafeeq ... Petitioner

Vs.

1.The Registrar of Co-operative Societies,
No.171, N.V.N.Maaligai,
Kilpauk, Chennai 10.

2.The Joint Registrar/ the Chairman,
District Recruitment Bureau,
Dharmapuri Region,
Dharmapuri.

3.The Dharmapuri District Central Co-operative Bank,
Rep by its Managing Director,
Dharmapuri. ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the order passed by the 2nd respondent in Na.Ka.No.5170/2018/Ve.sa dated 09.09.2021 and quash the same and consequently, direct the respondents to publish the waiting list candidates pursuant to the notification No.1/19 dated 11.03.2020 and circular issued by the 1st respondent in

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Na.Ka.1478/2017/Sa.pa2 dated 01.09.2017 and appoint the petitioner as Junior Assistant in the 3rd respondent Bank.

For Petitioner : Mr.M.S.Palaniswamy

For Respondents : Mr.P.Kumaresan, AAG,
Assisted by Mr.P.Ganesan, GA

O R D E R

This Writ Petition has been filed for quashment of the order passed by the 2nd respondent in Na.Ka.No.5170/2018/Ve.sa dated 09.09.2021 and consequently, to direct the respondents to publish the waiting list candidates pursuant to the notification No.1/19 dated 11.03.2020 and the circular issued by the 1st respondent in Na.Ka.1478/2017/Sa.pa2 dated 01.09.2017 and to appoint the petitioner as Junior Assistant in the 3rd respondent Bank.

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

3. The learned counsel for the petitioner submitted that the Government of Tamil Nadu issued a notification in G.O.Ms.No.3, Cooperation, Food and Consumer Protection Department, dated 05.01.2016.

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In exercise of powers conferred under Section 74 of the Tamilnadu Co-operative Societies Act, 1983, the Government has constituted a recruitment bureau for every revenue district for direct recruitment of the paid officers and servants in all categories of registered societies specified in Rule 150 and 151 of the Tamil Nadu Co-operative Societies Rules, 1988 including employees of the Central Co-operative Banks under the control of the 1st respondent. In this connection, the 2nd respondent issued a notification calling for the applications to the post of Junior Assistant in the 3rd respondent bank through online. The petitioner, who belongs to the backward class Muslim Community, has submitted an application for the said post through online. Thereafter, the 2nd respondent conducted a written examination and published the list of provisionally selected candidates on 11.01.2021. Thereafter, an oral interview was conducted and the petitioner has participated in the same. The selection list was published by the respondents on 26.02.2021, but the name of the petitioner did not found place in the same.

4. He further submitted that the 2nd respondent provisionally selected 5 persons in the interview including the petitioner, but only 4 persons were selected in the BC Muslim community and appointment orders were also

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issued to them. Out of 4 persons, one Kowsar Banu was got selected in two places, one at Dharmapuri and another at Trichy and she joined in the District Central Co-operative Bank, Trichy. Under the reservation for backward class Muslim, the petitioner, who is the next person, has to be appointed under the waiting list in the place of one Kowsar Banu. The respondents did not follow the guidelines prescribed by them in the selection of eligible candidates from the waiting list. Thereafter, the petitioner submitted a representation to the respondents on 22.03.2021 requesting them to publish the waiting list/ reserved list. The 1st respondent has received the representation of the petitioner and forwarded the same to the 2nd respondent to take appropriate action. Since there is no response for his representation, the petitioner has filed a Writ Petition in W.P.No.15745 of 2021 before this Court for appropriate direction for publishing the waiting list candidates as per the guideline framed by the recruitment bureau. This Court had disposed of the said petition and directed the respondents 2 and 3 to consider the representation of the petitioner and pass orders within a period of six weeks, in the light of the guidelines issued by the 1st respondent. In this connection, the petitioner gave a representation on 08.04.2021. After receipt of the order of this Court, the 3rd respondent directed the petitioner to approach the 2nd

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respondent for getting redressal of his grievance. Thereafter, the petitioner approached the 2nd respondent and submitted a representation. The 2nd respondent disposed the said representation by stating that if the selected candidates failed to join duty, then only the 2nd respondent will prepare the list of vacancy and declare the vacancy, which is contrary to the guidelines issued by the 1st respondent in Na.Ka.1478/2017/Sa.pa2 dated 01.09.2017. After receipt of the order passed by the 2nd respondent, the petitioner repeatedly approached the respondents and submitted another representation dated 13.05.2022 to the first respondent. Since there is no response for the same till date, the petitioner has filed the present petition seeking to publish the waiting list.

5. The learned Additional Advocate General appearing for the respondents submitted that as per the direction of this Court dated 30.07.2021 in W.P.No.15745 of 2021, the representation of the petitioner dated 22.03.2021 was examined with reference to guidelines of DRB and appropriate order was also passed by the 2nd respondent on 09.09.2021. The order dated 09.09.2021 is under challenge in this writ petition. Subsequently, the 2nd respondent in his letter dated 15.07.2022 had categorically informed

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the petitioner that clarification was obtained with reference to the representation of the petitioner dated 22.03.2021 and based on the clarification, it was informed that as of now, it is not feasible to prepare waiting list as per provisions contained in Rule 151(5)(c) of the Tamil Nadu Co-operative Societies Rules, 1988. Rule 151(5)(c) specifies that for every four vacancies or part thereof, one more candidate shall be selected and kept in the waiting list which shall be in force for a period of six months from the date of finalization of selection. In the instant case, the DRB conducted written examination on 05.12.2020 and provisional list of selected candidates was published on 11.01.2021. Appointment Orders were issued to the selected candidates after the Model Code of Conduct came to an end. In the Notification No.1/2019 dated 11.03.2020, 112 vacancies of junior assistants were called, out of which, 2 posts were alloted to Backward Community Muslim. One Kowsar Banu and Mohammad Asick Sulthan were selected in the said BCM (G) category and the petitioner stood next to Mohammad Asick Sulthan. Out of 111 candidates, 89 incumbents were came for certificate verification and one Kowser Banu did not come for certificate verification. In these circumstances, the 2nd respondent in his letter dated 01.02.2022 addressed to the 1st respondent seeking clarification relating to prepare the

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waiting list. After obtaining clarification from the 1st respondent, the 2nd respondent informed the petitioner that as of now, it is not feasible to prepare the waiting list as per the provisions contained in Rule 151(5)(c) of the Tamil Nadu Co-operative Societies Rules, 1988, hence, the request made by the petitioner vide his representation dated 22.03.2021 was rejected. It is crystal clear from the above reasons stated by the 2nd respondent vide letter dated 15.07.2022 is well within the provisions of Rule and guidelines issued by the 1st respondent. Hence, the contention of the petitioner is denied and liable to be dismissed.

6. In view of the submissions made by the learned counsel on either side and on perusal of the records, this Court finds that after obtaining clarification from the 1st respondent, the 2nd respondent informed the petitioner that as of now, it is not feasible to prepare the waiting list as per the provisions contained in Rule 151(5)(c) of the Tamil Nadu Co-operative Societies Rules, 1988 and rejected the representation of the petitioner. Hence, the order of the 2nd respondent warrants no interference.

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7. Accordingly, this Writ Petition stands dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

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vkr
Index : Yes / No
Speaking order / Non-speaking order

To

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