



W.P.No.6904 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2024

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.No.6904 of 2017
and W.M.P.Nos.7498 & 7499 of 2017

K.Suthandira Mohan

... Petitioner

Vs

- 1.The Secretary to Government,
Finance (Cooperative Audit) Department,
Fort St.George, Chennai – 600 009.
- 2.The Director of Coop. Audit,
Tamil Nadu Slum Clearance Board Building,
Kamarajar Salai, Chennai – 5.
- 3.The Assistant Director of Coop. Audit,
No.13, Chairman Chidambaram Street,
Villupuram, Villupuram District.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the entire records relating to the impugned order passed by the 3rd respondent in his proceedings Na.Ka.3917/2010/A.Pa.A, dated 02.02.2017 and quash the same and

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pass such further orders.

For Petitioner : Mr.C.Prakasam

For RR 1 to 3 : Mr.V.Nanmaran
Additional Government Pleader (Co.op)

ORDER

Heard Mr.C.Prakasam, learned counsel for the petitioner and Mr.V.Nanmaran, learned Additional Government Pleader (Co.op) appearing for the respondents and perused the materials available on record.

2. This Writ Petition has been filed challenging the order of the 3rd respondent vide his proceedings in Na.Ka.3917/2010/A.Pa.A, dated 02.02.2017, rejecting the request of the petitioner to grant exemption from passing the Accountant Examination Part-I. Since, he could not be able to succeed in the said account test, similarly placed employees who failed to succeed in the Part-I examination, approached the 1st respondent and requested for exemption. Accordingly, the 1st

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respondent issued G.O.Ms.No.121,Finance (CoOperative Audit) Department, dated 17.04.2013, whereby accorded exemption from passing the Part-I Account Test.

3. On behalf of the respondents a counter affidavit has been filed.

In the said counter affidavit it is averred as extracted hereunder:-

“29....Though the petitioner has not passed other two departmental tests namely Cooperation Paper I and Banking apart from the Account Test for Subordinate Officers Part-I, the 2nd respondent, ie., the Director of Cooperative audit has sent a proposal to Government to exempt the petitioner from passing the above three tests as per the relaxation granted in the G.O.Ms.No.1120, Personnel and Administrative Department, dated 30.10.1984, vide Director of Cooperative Audit, Chennai Rc.No.17776/2016 Aa.Pa.A.1 dated 27.06.2017. However, it is submitted that the Government in its letter No.34644/Ku.Tha./2014, Finance (CA) Department, dated 18.08.2017 have



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rejected the above proposal by reiterating its earlier stand taken in its letter No.64418/Ku.Tha./2014, dated 25.06.2015 and the two letters were communicated to the petitioner. Aggrieved by this the petitioner has now approached the Hon'ble Court by way of W.P.No.31544 of 2017 and the same has been allowed on 14.03.2018 by this Hon'ble Court.”

4. In light of the specified averment made in the counter affidavit, the learned Standing counsel for the respondents that subsequent to the filing of the present Writ Petition, the petitioner filed Writ Petition in W.P.No.31544 of 2017 against the rejection of the proposal sent by the Department to the Government to grant exemption to the petitioner and the said Writ Petition was allowed by this court on 14.03.2018.

5. The learned Standing Counsel for the respondents further submits that in an identical case in W.P.No.27015 of 2013, wherein, an

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identical issue was raised and the learned single Judge of this court vide order dated 04.05.2017 had allowed the Writ Petition. The respondents therein had preferred an appeal in W.A.No.1175 of 2017 and the same was also dismissed by order dated 14.03.2018 and subsequently, the request of the petitioner was considered and exemption was granted.

6. In these circumstances, the learned Standing Counsel submits that as this Writ Petition is filed against the order of rejection of granting exemption, nothing survives in this Writ Petition for adjudication of the case and in view of the fact that the petitioner was granted exemption by the respondents as sought in this Writ Petition. In our considered view, no further adjudication is required to be made in this present Writ Petition.

7. Accordingly, this Writ Petition is dismissed.

8. There shall be no order as to costs.

9. Consequently, connected miscellaneous petitions are closed.

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Index : Yes/No

Speaking order : Yes/No

Neutral Citations : Yes/No

To

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BATTU DEVANAND,J.

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