



W.P.(MD).No.31231 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

ORDER RESERVED ON : 09.12.2024

ORDER PRONOUNCED ON : 19.12.2024

**CORAM:
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD).No.31231 of 2023
and WMP(MD).No. 26770 of 2023**

Devaraj

....Petitioner

Vs

1.Additional Chief Secretary to Government
Co-operation, Food and Consumer Protection Department
Chennai 600 009

2.Registrar of Co-operative Society
No.170, NV Natrajan Maligai
Kilpauk, Chennai 600 010

3.Joint Registrar (Zonal)
Co-operate Society
Collectorate Post
Ramanathapuram 623 503

4.The Managing Director
Central Co-operative Bank Ltd.,
Ramanathapuram District
Ramanathapuram 623 501

....Respondents

Prayer : This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Government Order (status) No.27, dated 16.03.2023



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passed by the respondent No.1 and quash the same as illegal and subsequently direct the respondent No.4 to promote the petitioner as Manager on respondent No.4's Bank from 01.01.2016 and consider the petitioner's further promotion based on the bank norms and work satisfaction including substantial salary from the effective day of promotion by upholding the order passed by the Respondent No.3 vide Na.Ka.No.4086/2019 dated 21.01.2020 by considering the petitioner's representation dated 12.12.2023.

For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.A.Baskaran
Additional Government Pleader for R1 to R3

:Mr.D.Shanmugarajasethupathy for R4

ORDER

The instant writ petition has been filed by an Assistant Manager working in the fourth respondent bank challenging the order of the first respondent dated 16.03.2023 wherein the revision filed by the writ petitioner under Section 153 of the Co-operative Societies Act has been rejected. The petitioner had further prayed for a direction as against the fourth respondent to promote him as Manager with effect from 01.01.2016 following the proceedings of the third respondent dated 21.01.2020.

(A)Facts leading to the filing of the present writ petition are as follows:

2.The petitioner herein was appointed an an Office Assistant in the



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fourth respondent Bank on 06.01.1988 and he was promoted as an Assistant on 28.05.2009. The petitioner had made a request to promote him as an Assistant Manager. The said request was rejected by the Bank on 13.02.2015. The petitioner has challenged the same in WP(MD).No.11015 of 2015. The said writ petition was dismissed by this Court on 25.06.2019 on the ground of availability of alternative remedy and he was directed to exhaust the statutory remedy.

3.In compliance with the order of this Court, the petitioner had preferred a revision before the third respondent under Section 153 of Tamil Nadu Co-operative Societies Act. By way of proceedings dated 21.01.2020, the third respondent had directed the fourth respondent Bank to grant promotion to the petitioner as Assistant Manager with retrospective effect from 01.01.2013 with all monetary benefits. In compliance with the said order, the fourth respondent had passed an order on 25.06.2020 granting promotion to the petitioner as Assistant Manager with effect from 01.01.2013.

4.The petitioner herein has given a representation to the respondent Bank on 09.02.2021 to promote him as Manager with effect from 01.01.2016 on the ground that he had completed three years of service as Assistant Manager from the date of notional promotion namely 01.01.2013. The said request was rejected by the fourth respondent Bank on 01.04.2021.



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Challenging the said order, the petitioner had filed a revision under Section 153 of Tamil Nadu Co-operative Societies Act. The said revision has been rejected under the impugned order dated 16.03.2023 on the ground that the petitioner is not eligible to be promoted as Manager with effect from 01.01.2016. The said order is under challenge in the present writ petition.

(B)Contentions of the counsels are as follows:

5.According to the learned counsel for the petitioner, the petitioner had passed SSLC examination in the year 1995 and obtained a Diploma in Co-operative Management in the year 1997. Based upon those qualifications, the petitioner has been promoted as an Assistant Manager. As per Service Regulations, as and when an employee completes satisfactory service of three years in the cadre of Assistant Manager, he is eligible to be promoted as Manager. The petitioner having been notionally promoted with effect from 01.01.2013, he had completed three years of service on 01.01.2016 and therefore, he is eligible to be promoted as Manager.

6.The learned counsel for the petitioner had further contended that the petitioner is possessing requisite educational qualification, experience as Assistant Manager and seniority for the post of Assistant Manager and therefore, the request of the petitioner should not have been rejected by the respondents. Hence, he prayed for allowing the writ petition and grant promotion to the writ petitioner as Manager with effect from 01.01.2016



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onwards.

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7.Per contra, the learned Additional Government Pleader appearing for the respondents 1 to 3 herein had contended that the petitioner has not passed 12th standard, but has passed only the 10th standard. Unless the petitioner possess a qualification which is eligible to get an admission in a College, the petitioner cannot be promoted as a Manager. That apart, the petitioner was only notionally promoted from the year 2013 onwards and he has not served as an Assistant Management from the said date. In fact, the petitioner was actually promoted only on 25.06.2020 and he had joined as an Assistant Manager on 08.07.2020. Therefore, the petitioner cannot make a claim for promotion to the post of Manager taking into consideration the notional promotion granted to him in the cadre of Assistant Manager. He had further contended that unless the petitioner reaches seniority and comes within the zone of consideration, the petitioner cannot be promoted as Manager merely because he has completed three years of service as Assistant Manager.

8.The learned counsel appearing for the fourth respondent Bank, relying upon the Special Byelaws of the District Central Co-operative Bank, had contended that for being appointed as a Manager, the petitioner should possess either a Post Graduate Degree or a Post Graduate Diploma recognized by the Government or its equivalent. The Co-operative training is only an additional qualification prescribed under the bylaws. However, in the



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case of existing employees, it is enough that they possess pass in SSLC which is eligible for admission to any University under the Old Regulations or a pass in the Higher Secondary Course. The petitioner having passed only new SSLC (10th) is not qualified to be appointed as a Manager. Hence, he prayed for dismissal of the writ petition.

9.I have considered the submissions made on either side and perused the material records.

(C)Discussion:

10. The petitioner has been appointed as an Assistant Manager by way of proceedings of the fourth respondent Bank dated 25.06.2020 with retrospective effect with effect from 01.01.2013. According to the petitioner, he has completed three years of service as Assistant Manager from the date of notional promotion and therefore, he should be promoted as Manager from 01.01.2016 onwards.

11.A perusal of the Special Bylaws relating to the service condition employees of the fourth respondent Bank reveals that, for being appointed as a Manager by way of direct recruitment, a candidate has to possess a Post Graduate Degree in any discipline or a Post Graduate Diploma recognized by the Government or its equivalent. However, for an existing employee, it is enough if he had passed old SSLC(Eleven years course) with eligibility for admission to any University or a pass in Higher Secondary Course.



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12.A perusal of the records reveal that the petitioner has passed SSLC under new Regulations (10th standard). This will not make him eligible for admission to a University. Admittedly, the petitioner has not passed Higher Secondary Course. The petitioner had relied upon an M.A.Degree obtained by him through Directorate of Distance Education and contended that he is Post Graduate Degree holder. Admittedly the said degree has been obtained by him without passing Higher Secondary course. Therefore, such a degree is ineligible for consideration for appointment or any promotion in a Government Department. Therefore, as on today, the petitioner does not possess the required educational qualification for being appointed as a Manager.

13.Merely because the petitioner has put in three years of service as an Assistant Manager, that will not make him eligible to be promoted as Manager unless he possess the mandatory educational qualification. In such circumstances, the order of the first respondent, rejecting the request of the petitioner cannot be found fault with. There are no merits in the writ petition and the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

19.12.2024.

Internet : Yes/No
Index : Yes/No
NCC : Yes/No



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R.VIJAYAKUMAR, J.

msa

Pre-delivery order made in

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