



WEB COPY



W.P.No.958 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.12.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.958 of 2023  
and WMP.Nos.941 & 942 of 2023

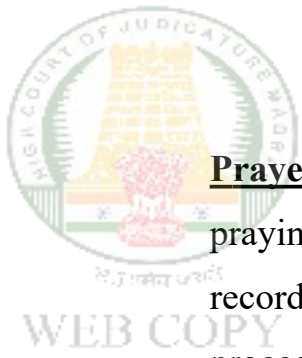
D.Chithra

... Petitioner

Vs

- 1.The Registrar of Cooperative Societies  
Kilpauk, Chennai – 600 010.
- 2.The Chairman  
District Recruitment Bureau /  
Joint Registrar of Cooperative Societies  
Nagapattinam Region  
Nagapattinam, Nagapattinam District.
- 3.The Joint Registrar of Cooperative Societies  
Nagapattinam Region  
Nagapattinam, Nagapattinam District.
- 4.The Deputy Registrar of Cooperative Societies  
Nagapattinam Circle  
Nagapattinam, Nagapattinam District.
- 5.The President  
Z-87, Melappoodhanoor Primary Agricultural  
Cooperative Credit Society  
Melappoodhanoor  
Nagapattinam Taluk & District.

... Respondents



W.P.No.958 of 2018

**Prayer:** Writ Petition filed under Article 226 of the 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 respondent in his proceedings Na.Ka.No.427/2017/Po.Vi.Thi(3), dated 05.10.2018 and quash the same and consequently direct the respondents to reinstate the petitioner into service as Saleswoman in the 5<sup>th</sup> respondent Society along with backwages, attendant benefits and other monetary benefits to the petitioner and pass orders.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.E.P.Senniyangiri  
Government Advocate for R1 to R5

### **ORDER**

The writ petition has been filed seeking to quash the impugned order passed by the second respondent dated 05.10.2018 and to direct the respondents to reinstate the petitioner into service as Saleswoman in the 5<sup>th</sup> respondent-Society along with backages, attendant benefits and other monetary benefits.

2. The case of the petitioner is that she was appointed in the 5<sup>th</sup> respondent Society as Saleswoman on 28.03.2013, pursuant to the interview conducted by the second respondent. She worked in the 5<sup>th</sup> respondent Society till 30.10.2017. On 01.11.2017, without conducting any enquiry, the petitioner was terminated from service by the proceedings of the 5<sup>th</sup> respondent, alleging



W.P.No.958 of 2023

that no appointment order was issued by the District Recruitment Bureau. She, thereafter, approached this Court in W.P.No.28626 of 2017. Based on the interim orders of this Court dated 09.11.2017, the petitioner was allowed to join duty on 12.11.2017. Subsequently, W.P.No.28626 of 2017 was disposed of by orders of this Court dated 07.06.2018, in and by which, it directed the respondents to issue show cause notice to the petitioner and to call for explanation from the petitioner with regard to her appointment order.

3. Pursuant to the directions of this Court, notice was sent to the petitioner on 16.07.2018. On 04.08.2018, the petitioner had submitted his explanation and also produced the interview card and appointment order issued by the second respondent. However, vide proceedings of the second respondent dated 05.10.2018, the petitioner was terminated from service stating that the 5th respondent-Society itself do not find a place in 2012-2013 Recruitment, as there existed no vacancy for the post of Saleswoman in the said Society, then. In the said circumstances, alleging that the appointment order produced by the petitioner had been obtained in an illegal manner and therefore, she could not continue to serve in the 5<sup>th</sup> respondent-Society any more, she was terminated from service forthwith.



W.P.No.958 of 2017

4. Aggrieved by the impugned order, the petitioner is before this Court in the present writ petition.

WEB COPY

5.1 The counter affidavit has been filed by the respondents 2,3 & 4. The respondents would submit that in the year 2013, a similarly placed person has approached this Court in W.P.No.25528 of 2013 seeking to quash the order terminating his services in Thiruvallangadu Primary Agricultural Cooperative Credit Society. This Court had obtained a report from the Registrar of Co-operative Societies, in which, the said authority has stated about the ingenuity on the part of the petitioner therein. In addition, it has also stated that an appropriate action may be contemplated to terminate the services of other three individuals namely Thiru.R.Balakrishnan (MelaBoothonur), Tmt.D.Chitra (Mela Boothonur) (petitioner herein) and Thiru.K.Ravichandran (Theralunthur), as their names do not figure in the DRB selection list and also to initiate disciplinary action against the persons responsible for issuing the said appointment orders. Recording the above, this Court by order dated 11.04.2017, dismissed the above W.P.No.25528 of 2013. Pursuant to the orders of the Court, the second respondent vide its proceedings dated 01.11.2017, had terminated the services of the petitioner herein. This proceedings was challenged by the petitioner in W.P.28626 of 2017. This writ petition was



W.P.No.958 of 2018

disposed of by this Court with a direction to the respondents to issue show cause notice to the petitioner and on receipt of explanation from the petitioner, final orders shall be passed.

5.2 In compliance of the directions of this Court, the second respondent issued show cause notice to the petitioner on 07.06.2018 to appear for hearing on 26.09.2018. On 26.09.2018, the petitioner had deposed that she had been served with the selection order at her native place, however in her written defence dated 04.08.2018, she had stated that she obtained the orders from the Special Officer of the fifth respondent Society. Therefore, the respondents would submit that the statements made by the petitioner during her deposition and the one in her written defence are contradictory. Thus, the deposition of the petitioner, and written defence deserve no merit for consideration. Further, the DRB Chairman, who had issued the selection order, had retired on 28.02.2013, but issued ante-dated selection order.

5.3. The contention of the petitioner that she had received the appointment order through the Office of the second respondent and was appointed as Saleswoman on 28.03.2013, was vehemently opposed by the respondents, on the ground that the appointment orders to all the selected



candidates were issued by the second respondent through the Circle Deputy Registrar of Cooperative Societies concerned, and that no order was issued directly to any of the incumbents by the second respondent, as alleged by the petitioner. Therefore, after analysing the aforesaid circumstances and on verifying the material records, the second respondent by his proceedings dated 05.10.2018, had dismissed the petitioner from the services. The respondents would further contend that since the allotment order itself is *void abinitio*, the subsequent appointment is also bad in eye of law and not sustainable. Since the petitioner has not made out a *prima facie* case, she is not entitled to any relief as claimed by her. Hence, they sought for the dismissal of the writ petition.

6. Heard the learned counsel on either side and also perused the materials placed before this Court.

7. The writ petition is filed challenging the order dated 05.08.2018 passed by the second respondent, in and by which, the petitioner has been removed from service, on the ground that she had entered services by adopting fraudulent means. From a perusal of the impugned order, it is seen that as against 104 vacancies existed in the Public Distribution System of Nagapattinam District, the then Joint Registrar / District Recruitment Bureau had appointed 107



W.P.No.958 of 2023

persons. Therefore, the three appointees including the petitioner herein were in excess and have been fraudulently appointed in different Co-operative Societies by the then Joint Registrar. The 104 vacancies were filled up by February 2013, and all the recruited candidates have joined the services.

8. Pursuant to the orders of this Court in W.P.No.28626 of 2017, the second respondent has conducted an enquiry, in which, the petitioner has also participated. However, the petitioner was not able to clarify as to how she had been appointed over and above the total number of vacancies. Further, the disciplinary proceedings could not be initiated against the then Joint Registrar, as he had retired. Except stating that the petitioner had been working in the 5<sup>th</sup> respondent Society for over five years, the petitioner has not been able to justify his appointment before this Court.

9. In a writ petition filed by a similarly placed person in W.P.No.25528 of 2013, this Court had directed the Registrar of Co-operative Societies, Tamil Nadu, to submit a report before this Court. This Court in its order, had recorded the relevant portion of the enquiry report of the Registrar of Co-operative Societies, wherein it has stated that of the selected list of 104 candidates, the name of the petitioner therein was not found. The said report also records that,



an appropriate action is contemplated to terminate the services of Tmt.D.Chitra (MelaBoothonur) Thiru.R.Balakrishnan (MelaBoothonur) and

Thiru.K.Ravichandran (Theralunthur), whose names do not figure in the DRB selection list and to initiate disciplinary action against the persons responsible for issuing appointment orders to the above persons. Recording, the same, the writ petition in W.P.No.25528 of 2013 was dismissed. It is relevant to extract the relevant portions of W.P.No.25528 of 2013 :

“ 5. ....

*Further it is submitted for the reasons narrated in para 5.3(i), appropriate action is contemplated to terminate the services of Tmt.D.Chitra (MelaBoothanur), Thiru.R.Balakrishnan (MelaBoothonur) and Thiru K.Ravichandran (Theralunthur), whose names did not figure in the DRB selection list and also to initiate severe disciplinary action against the persons who are responsible for issuing appointment orders to these persons.*

*6.According to the report of the Registrar of Co-operative Societies, the selection proceedings of the petitioner is not genuine and appropriate action is contemplated to terminate the services of other three persons, whose names did not figure in the DRB selection list, and also to initiate severe disciplinary action against the persons. Nature of report itself prima facie clearly indicates that the selection proceedings of the petitioner as salesman in the Cooperative Department is not genuine and therefore, the Registrar*



*has to initiate action against those persons, who are responsible for issuing illegal selection list as well as appointment orders in the Department. It is seen from the report that in the light of the illegal selection and appointment orders, three persons are still working in the Department. The responsible officer in-charge for issuing such selection and illegal appointment orders is being retired. Therefore, the relief as prayed in the Writ Petition cannot be granted.*

7. ....

*8. The Writ Petition is dismissed with the above direction. No costs.”*

10. Based on the directions of this Court, the fourth respondent herein has passed the orders terminating the services of the petitioner. The petitioner had challenged the said order in W.P.No.28626 of 2017. Since the respondent had passed the order without issuing a show cause notice and without giving an opportunity to the petitioner to submit her objections, this Court had allowed the said writ petition and directed to issue a fresh show cause notice to the petitioner within a stipulated time. Pursuant to the orders of this Court, the enquiry was held. It also appears that a Fact Finding Committee had gone into the recruitment process for the year 2012 -2013, the Minutes of the



Meeting, the Appointment Orders, Registers and other connected files, and come to the conclusion that the fifth respondent-society had not given any request to the District Recruitment Bureau, Nagapattinam, for appointment to the posts of Salesperson. The petitioner had appeared for interview on 20.12.2012. But she was not selected and her name was not included in the list of 104 selected candidates. It appears that the then Chairman of District Recruitment Bureau had manipulated and got the appointment order from the then Special Officer of the fifth respondent, and the petitioner had joined the services on 28.03.2013. The said Chairman had attained superannuation on 28.02.2013, but had issued ante-dated selection order. Therefore, when the appointment of the petitioner itself is fraudulent, the petitioner cannot claim any advantage on the ground that she had been working in the fifth respondent-society for over five years.

11. In the judgment in ***Devendra Kumar Vs. State of Uttaranchal and Others*** reported in ***(2013) 9 SCC 363***, relied upon by the counsel for the respondent, the Hon'ble Supreme Court has observed as follows :

*“13. It is a settled proposition of law that where an applicant gets an office by misrepresenting the facts or playing fraud upon the competent authority, such an order cannot be sustained in the eye of the law.”*



WEB COPY

The Hon'ble Supreme Court was considering a case where an individual involved in a criminal case, had got appointment order by suppressing the said fact. He was later removed from services and the same was challenged. The Hon'ble Supreme Court has observed that obtaining appointment by misrepresentation would eventually make the individual's service liable for termination. The Hon'ble Supreme Court had considered the various earlier judgments in this regard and has held as follows :

25. .... “A person having done wrong cannot take advantage of his own wrong and plead bar of any law to frustrate the lawful trial by a competent court. In such a case the legal maxim *nullus commodum capere potest de injuria sua propria* applies. The persons violating the law cannot be permitted to urge that their offence cannot be subjected to inquiry, trial or investigation. (Vide **Union of India v. Major General Madan Lal Yadav [(1996) 4 SCC 127 : 1996 SCC (Cri) 592 : AIR 1996 SC 1340]** and **Lily Thomas v. Union of India [(2000) 6 SCC 224 : 2000 SCC (Cri) 1056]**. Nor can a person claim any right arising out of his own wrongdoing (*jus ex injuria non oritur*).

26. The courts below have recorded a finding of fact that the appellant suppressed material information sought by the employer as to whether he had ever been involved in a criminal case. Suppression of material information sought by the employer or furnishing false information itself amounts to mortal turpitude and is separate and distinct from the involvement in a criminal case. In view of the above,



WEB COPY



W.P.No.958 of 2025

*the appeal is devoid of any merit and is accordingly dismissed.”*

12. The above judgment squarely applies to the instant case. I see no merit in this writ petition and the writ petition is dismissed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

03.12.2025  
(2/2)

Index : Yes / No  
Neutral Citation : Yes / No  
Speaking order / Non-speaking order  
ds



W.P.No.958 of 2023

To:

1.The Registrar of Cooperative Societies  
Kilpauk, Chennai – 600 010.

2.The Chairman  
District Recruitment Bureau /  
Joint Registrar of Cooperative Societies  
Nagapattinam Region  
Nagapattinam, Nagapattinam District.

3.The Joint Registrar of Cooperative Societies  
Nagapattinam Region  
Nagapattinam, Nagapattinam District.

4.The Deputy Registrar of Cooperative Societies  
Nagapattinam Circle  
Nagapattinam, Nagapattinam District.

5.The President  
Z-87, Melappoodhanoor Primary Agricultural  
Cooperative Credit Society  
Melappoodhanoor  
Nagapattinam Taluk & District.



WEB COPY



W.P.No.958 of 2023

P.T. ASHA, J,

ds

W.P.No.958 of 2023

03.12.2025