



W.P.No.12808 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2025

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.12808 of 2018 and
W.M.P.No.15037 of 2018

Mr.A.Inbakumar

... Petitioner

Vs.

1.The Additional Registrar,
Co-operative Societies (Sale, Plan and Development),
Office of the Registrar of co-operative Societies,
Chennai - 10.

2.The Additional Registrar / Managing Director,
Tamil Nadu Co-operative State Agriculture and Rural
Development Bank Ltd.,
No.181, Luz Church Road,
Mylapore,
Chennai 600 004.

3.Mr.K.Selvakumar,

4.Mrs.P.Gomathi,

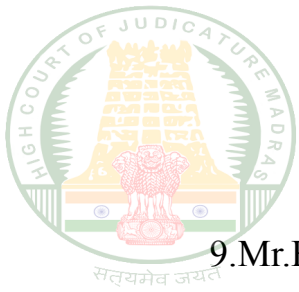
5.Mr.M.Ramamoorthy,

6.Mrs.G.Shantha

7.Mrs.N.Pushparani

8.Mrs.Saiprabavathi

Page No.1 of 10



W.P.No.12808 of 2018

9.Mr.Balakumar

10.Mrs.A.Mageswari

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relevant to the order in Na.Ka.18904/2014/SaPa1 dated 23.02.2018 passed by the first respondent by confirming the order in No.Pa.Pi/Thi.Ni.O.8/2010 dated 06.02.2010 passed by the second respondent and quash the same as illegal, improper, against the law and natural justice and thereby direct the respondents to grant promotion to the petitioner as Assistant with effect from the date of completion of Co-operative Training and pay back all the service and monetary benefits to the petitioner immediately.

For Petitioner : Mr.B.Gopalakrishnan

For Respondents : Mr.M.Muthusamy, GA for R1
Mr.M.Murali, GA for R2

ORDER

This Writ Petition has been filed to call for the records relevant to the order in Na.Ka.18904/2014/SaPa1 dated 23.02.2018 passed by the first respondent by confirming the order in No.Pa.Pi/Thi.Ni.O.8/2010 dated 06.02.2010 passed by the second respondent and quash the same and direct the respondents to grant promotion to the petitioner as



W.P.No.12808 of 2018

Assistant with effect from the date of completion of Co-operative Training and pay back all the service and monetary benefits to the petitioner immediately.

2. Heard Mr.B.Gopalakrishnan, learned counsel for the petitioner, Mr.M.Muthusamy, learned Government Advocate for R1 and Mr.M.Murali, learned Government Advocate for R2 and perused the materials available on record.

3. The petitioner has been appointed as Driver in the year 1995 in the second respondent Bank. The petitioner's educational qualification is 10th pass. The petitioner had completed his co-operative training course in the year 2001. But, he was not promoted to the post of Assistant so far. Hence, the petitioner is before this Court.

4. The learned counsel for the petitioner submitted that as per Chapter II Paragraph 11(1) of the By-laws of the Bank, the Telephone Operator, Driver, Office Assistant and Watchman are eligible to be



W.P.No.12808 of 2018

considered for promotion to the post of higher category, if they possess qualification prescribed for higher category. The above said By-laws have been amended subsequently by prescribing the minimum qualification to the post of Bank Assistant as any one degree. He further submitted that the said qualification will not apply to the persons already appointed and existed as employees of the Bank. So, the petitioner being one of the existing employee of the Bank, the respondent should not insist on the qualification of acquiring degree for promoting the petitioner to the post of Assistant.

5. The learned Government Advocate for the respondents submitted that prior to the year 2010, promotion was given to the persons who possessed 10th pass and who have completed the co-operative training. The educational qualification for the post of Assistant has been amended in the by-laws with effect from 21.06.1999 by prescribing a degree in any discipline along with the co-operative training and three years experience in the feeder category post.

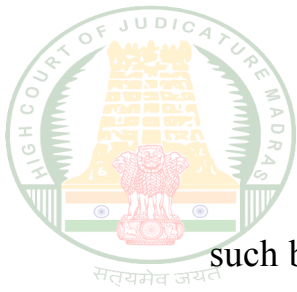


W.P.No.12808 of 2018

6. Even according to the petitioner, the above qualification is applicable only after 21.06.1999 on which date the amendment has been brought into effect. The petitioner claims that as he has joined in the year 1995, the qualification prescribed as degree is not applicable to his case and his pass in 10th STD along with the completion of co-operative training course should be considered as the eligibility to be promoted to the post of Assistant.

7. It is clarified by the learned Government Advocate for the respondents that such concession has been given to all those persons who had acquired the co-operative training before the cut off date of 21.06.1999. The petitioner had completed the co-operative training course only in the year 2001 during which time, the amendment has come into effect and it has been in force.

8. Had the petitioner acquired the qualification of completion of co-operative training before 21.06.1999, he would have been considered to be promoted to the post of Assistant. But, the petitioner claims that

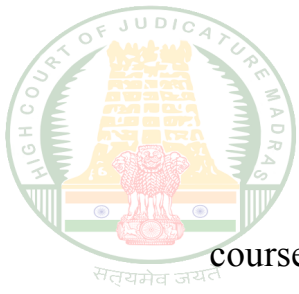


W.P.No.12808 of 2018

such benefit of promotion has been given to persons similarly placed and one Maheswari was given with promotion in the year 2013 despite she had the qualification of 10th STD and completion of training course.

9. In the impugned order dated 23.02.2018, it is observed that the said Maheswari had completed the co-operative training course before the amendment was brought, but she was not given with the promotion. As she had not given willingness, she was not promoted in the year 1999. Since she had given willingness subsequently, her qualification prior to 21.06.1999 was considered and she was given with the promotion now.

10. In fact, in the Government Order in G.O.Ms.No.107, P & AR(M) Department dated 18.08.2009, it has been made crystal clear that promotion to the post of Assistant can be given only to those persons who has 10+2+3 pattern educational qualification along with co-operative training. The petitioner also claimed comparison with one Chitra and Saravanan who had been appointed as Assistant and who had been given with two years time to complete the co-operative training

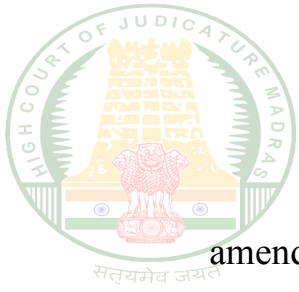


W.P.No.12808 of 2018

course. It is to be noted that those persons are graduates and hence, they have been given with time to complete the co-operative training course.

11. As the petitioner has joined as Driver in the year 1995, there is no provision to give him time to complete Diploma in co-operative training course and hence, the petitioner cannot claim similarity with Chitra and Saravanan. The petitioner could have acquired the qualification of +2 and degree from the year 1999 to till the date of giving representation in the year 2010. Despite knowing that the rules have been changed and the minimum qualification for the recruitment / promotion to the post of Assistant is the Bachelor degree, the petitioner did not care to acquire the above qualification but claims parity with those persons who had acquired UG and in-service candidates who have completed Diploma in co-operative training before the cut off date of 21.06.1999.

12. Since the petitioner does not fall either under the by-laws which was in existence prior to 21.06.1999 nor the rules which had been



W.P.No.12808 of 2018

amended subsequent to 21.06.1999, he cannot insist the respondents to grant him promotion to the post of Assistant. As the first respondent has considered the request of the petitioner in the light of the rules applicable to promotion to the post of Assistant, I do not find any reasons for interference.

13. In the result, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

12.03.2025



W.P.No.12808 of 2018

WEB COPY

- To
- 1.The Additional Registrar,
Co-operative Societies (Sale, Plan and Development),
Office of the Registrar of co-operative Societies,
Chennai - 10.
 - 2.The Additional Registrar / Managing Director,
Tamil Nadu Co-operative State Agriculture and Rural
Development Bank Ltd.,
No.181, Luz Church Road,
Mylapore, Chennai 600 004.



WEB COPY



W.P.No.12808 of 2018

R.N.MANJULA, J.

gsk

W.P.No.12808 of 2018 and
W.M.P.No.15037 of 2018

12.03.2025