



WEB COPY

WP No. 35916 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-04-2025

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

**WP No. 35916 of 2019
and W.M.P.No.36840 of 2019**

1. K.Muruganantham,
Salesman, G2156, Sholinganallur
Urban, Co-Operative Credit Society,
Sholinganallur, Chennai - 600119
Chennai

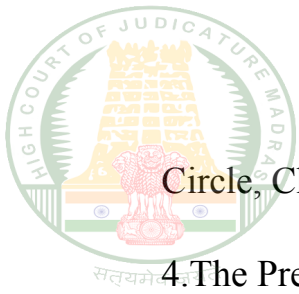
Petitioner(s)

Vs

1. The Registrar of Co-Operative
Societies,
MV Natarajan Maligai, 170, Periyar
E.V.R. High Road, Kilpauk, Chennai -
600010Chennai

2.The Joint Registrar of Co-Operative
Societies,
Co-Operative Department,
Kancheepuram Range Division,
Kancheepuram

3.The Deputy Registrar of Co-
Operative Societies,
Co-Operative Department, Chengalpet



Circle, Chengalpat

4.The President,

WEB G2156, Sholinganallur Urban, Co-
Operative Credit Society,
Sholinganallur, Chennai - 600119

5.The Managing Director

G113, Kancheepuram District
Consumer co-operative Wholesale
stores ltd., No. 185, Prakasam Salai,
Broadway, Chennai 108 (R5

IMPLEADED VIDE ORDER DT

21.08.2023 MADE IN

WMP.17334/2022 IN WP.35916/2019

BY CVKJ)

Respondent(s)

Writ Petition is filed under Article 226 of the Constitution of India to call for the records of the 2nd respondent pertaining to the impugned order dated 27.09.2019 and quash the same and consequently direct the 4th respondent to give promotion to the petitioner for the post of writer/ clerk with retrospective effect

For Petitioner : Mr.Sankar Ramasamy

For Respondent(s): M/s. A.M.Ayyadurai
Government Advocate
For R1 to R3
M/s. S.Ravikumar,
Government Advocate for R5



ORDER

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This writ petition has been filed to call for the records of the 2nd respondent pertaining to the impugned order dated 27.09.2019 and quash the same and consequently direct the 4th respondent to give promotion to the petitioner for the post of writer/ clerk with retrospective effect.

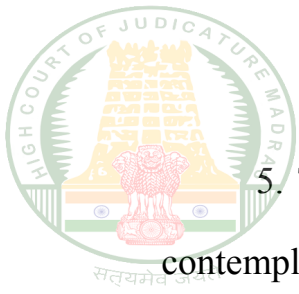
2. The petitioner was appointed as a Salesman on 29.12.2019 in the fourth respondent society. The petitioner had completed M.Com in Co-operative Management, Basic Computer Course, Gold Appraisal Training and Type Writing. The grievance of the petitioner is that he has proper qualifications and seniority to the post of Writer but he was not considered and permitted to the post of Writer though his juniors were permitted. Earlier the petitioner filed a writ petition in W.P.No.24134/2014 for seeking direction against the respondents 1 to 3 to permit the petitioner to the post of writer. In the said writ petition a direction has been given to consider the representation of the petitioner. In pursuant to that the representation of the petitioner was considered and it has been rejected by the first respondent on 27.09.2019. In the said order it has been observed that the petitioner does not have the required educational for promotion.

3. Mr.Sankar Ramasamy, the learned counsel for the petitioner, submitted that the petitioner has got required qualification for the post of Clerk / Writer as per Special By-law No.4(1) of the Model Special By-Law relating to service



conditions of employees of Primary Agricultural Cooperative Credit Societies communicated in Registrar's Letter dated 27.08.2012. As per the said By-Law, the qualification for the post of Clerk / Typist / Jewel appraiser is prescribed as a degree in any discipline of any University recognized by UGC. In case of persons getting B.Com degree and who has optional subject of B.A. Co-operation, they shall be exempted from undergoing training referred in Item A.(i) above. The petitioner is said to have got a B.Com degree, however, he does not have 'Co-operation' as an optional subject. However Clause (ii) of Explanation -I of the said by-law would state that the Co-operative training would also mean a pass in the Government Technical Examination Book Keeping, banking, Cooperative and Auditing or the examination of these subjects conducted by the Tamil Nadu Public Service Commission.

4. The petitioner has pursued M.Com (Banking and Insurance Management). The third proviso to Clause 'C' of the said By-Law would show that the persons having M.Com degree with a subject other than Co-operation course as his special subject shall undergo the training course. Since the petitioner has got the M.Com qualification he has to undergo the training course offered by any of the co-operative training institution or any of the co-operative training colleges. Since the petitioner has got M.Com degree qualification he has to undergo training course offered by any of the Co-operative Training Institution or any of the Co-operative Colleges.



5. The petitioner is said to have completed the Cooperative Training as contemplated in the Explanation I of the above by-Laws. In such case it is up to the petitioner to produce those certificates to the fourth and fifth respondents and the fourth and fifth respondents shall take a call and pass fresh orders.

6. In the result the writ petition is disposed by granting liberty to the petitioner to produce the required certificates of training in Co-operation as contemplated under the Special By-law No.4(1) of the Model Special By-Law relating to service conditions of employees of Primary Agricultural Co-operative Credit Societies communicated in Registrar's Letter dated 27.08.2012, along with his educational certificates and a fresh representation in this regard to the fourth and fifth respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the fourth and fifth respondents shall pass orders on merits within a period of four weeks thereafter. No costs. Connected miscellaneous petition is closed.

17-04-2025

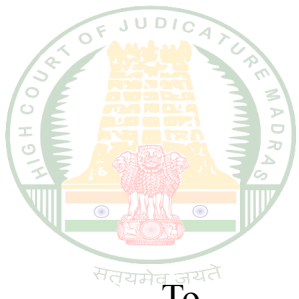
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To
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E.V.R. High Road, Kilpauk, Chennai -
600010Chennai

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R.N.MANJULA J.

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