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W.P.(MD) No.10385 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) Nos.10385 of 2021

and

W.M.P.(MD) No.8072 of 2021

S.C.Usha

... Petitioner

-vs-

1.The Deputy Registrar of Co-op Societies
Thucalay, Kanyakumari District

2.The President
Y-198, Vencode Primary Agricultural
Co-op. Credit Society
Vencode Post-629 171
Kanyakumari District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records relating to the impugned direction of the 1st respondent in his proceedings Na.Ka.372/2021/Tho Ve Sa dated 17.03.2021 and the consequential impugned order of reversion passed by the 2nd respondent in his proceeding dated 05.05.2021 and quash the same as illegal.



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For Petitioner : Mr.M.Jerin Mathew

For Respondents : Mr.A.Baskaran
Additional Government Pleader for R1
Mr.V.H.S.Prathap for R2

ORDER

This writ petition has been filed challenging the impugned reversion order dated 17.03.2021, passed by the first respondent and the consequential order dated 05.05.2021, passed by the second respondent, reverting the petitioner to the post of Clerk from the post of Senior Clerk.

2. Learned counsel for the petitioner relies upon the following paragraphs in the counter filed by the first respondent:

“It is submitted that as per Registrar of Cooperative Societies Circular No.7/2021 (R.C. 103607/2007 Sa.Pa.2) dt.09.09.2021 the societies shall consider to give promotion to its irregular employees who were appointed from 08.07.1980 to 12.03.2001 and whose services are not regularized to the immediate next higher cadre post by amending the special By-law no. 7(B). In the above Registrar of Cooperatives Societies Circular it is mentioned as below;



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“Notwithstanding anything contained in these special by-laws, the employees who were appointed from 08.07.1980 to 12.03.2001 in contravention of the provisions of the Act, the rules and these special by-laws and whose services are not regularized, but who are still continuing in service of the society, are eligible for promotion to the immediate next higher category of post provided that they possess the minimum General Educational Qualifications namely SSLC with the eligibility for admission to Universities under the old regulations (Eleven Years courses or completion of the first year of Higher Secondary Course (11 years) or for appointment under the Tamil Nadu Government Service and Co-operative Training, where cooperative training is prescribed as a necessary other qualification for the promotional post in the special by-laws of the society. This transitory special by-law shall take with retrospective effect from 22.04.2021.””



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3. Learned counsel for the petitioner would submit that in line with the aforesaid Circular, a direction may be issued to the first respondent to consider the petitioner's request for cancellation of the impugned order reverting the petitioner to the post of Clerk from the post of Senior Clerk.

4. Learned counsel appearing for the second respondent – Society would now submit, on instructions, that the byelaws have been amended by the second respondent – Society pursuant to the Circular No.7 of 2021.

5. Learned counsel for the petitioner would submit that in terms of the amended byelaws of the second respondent – Society, the petitioner is entitled for regularization of his post as Senior Clerk. Therefore, he would submit that a direction may be issued to the respondents to re-consider the impugned orders in the light of the amended byelaws of the second respondent – Society.

6. No prejudice would be caused to the respondents, if such a direction is issued by this Court.



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7. This Court is not expressing any opinion on the merits of the petitioner's request for re-consideration of the impugned orders in the light of the amended byelaws of the second respondent – Society.

8. For the foregoing reasons, this writ petition is disposed of by directing the first respondent to consider the request of the petitioner for re-consideration of the impugned reversion order dated 17.03.2021, passed by the first respondent as well as the consequential impugned order dated 05.05.2021, passed by the second respondent, by giving due consideration to the amended byelaws of the second respondent – Society, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

20.11.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

krk

To:
The Deputy Registrar of Co-op Societies,
Thucalay, Kanyakumari District.



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ABDUL QUDDHOSE, J.

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