



W.P.(MD)No.16752 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.16752 of 2025

and

W.M.P.(MD)Nos.12729 and 12730 of 2025

Pankajam

... Petitioner

-VS-

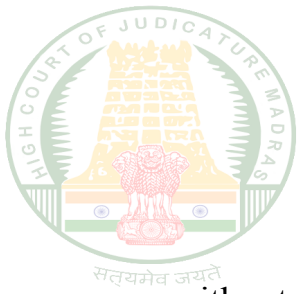
1.The Deputy Registrar Cooperative Societies,
J.R.R.Nagar, Thenkarai,
Periyakulam.

2.The Deputy Registrar / Administrator,
A1254 Theni Agricultural Producers Cooperative
Marketing Society, Periyakulam Road,
Theni - 625531.

3.The Joint Registrar of Cooperative Societies,
Theni Region,
Government Multiple Complex,
Near District Employment Office, Theni.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining the proceedings of the impugned promotion list dated 14.02.2025, on the file of the third respondent and consequential promotion list dated 24.04.2025 issued by the second respondent and quash the same as illegal, unjust, unconstitutional and



W.P.(MD)No.16752 of 2025

without jurisdiction and direct the respondents to promote the petitioner based on her qualification.

For Petitioner : Mr.S.A.Ajmalkhan

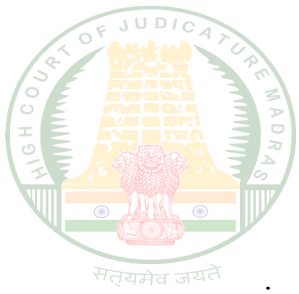
For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

This Writ Petition has been filed seeking to quash the impugned promotion proceedings dated 14.02.2025, issued by the third respondent and the consequential promotion list dated 24.04.2025, issued by the second respondent and to consequently, direct the respondents to consider and promote the petitioner based on her qualifications.

2. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

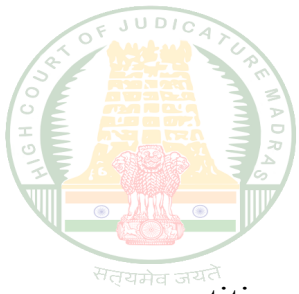
3. According to the petitioner, she was appointed as an 'Attender' on 20.06.2007 through the proceedings of the Joint Registrar in Na.Ka.No. 2319/2007/NuKu, dated 08.06.2007 and has since been rendering unblemished service for over 17 years in the same post, without any disciplinary proceedings



W.P.(MD)No.16752 of 2025

or criminal complaints pending against her. The petitioner's name was consistently included in the seniority lists published by the Department on 20.07.2013, 04.05.2017, 15.06.2017, 24.06.2023 and 29.07.2024, thereby establishing her seniority and eligibility for promotion.

4. Further, the petitioner has acquired the requisite educational qualifications and made a representation to the respondents on 01.10.2024, requesting them to promote her to the post of 'Junior Assistant'. The Joint Registrar, Theni District, in proceedings dated 03.10.2024, directed that necessary steps be taken regarding the petitioner's promotion. However, despite this directive and the petitioner's eligibility, no action was taken by the respondent officials. Subsequently, the third respondent issued a promotion list dated 14.02.2025, promoting 8 individuals. However, the petitioner's name was wrongly omitted from the said list. Thereafter, the second respondent issued another promotion list dated 24.04.2025, claiming to promote only 7 persons as Junior Assistants, citing that one of the originally listed candidates, Kannan, had passed away on 02.01.2025. Yet, despite the resulting vacancy, the petitioner's name was not included, which is unjust, arbitrary and discriminatory. In this regard, the



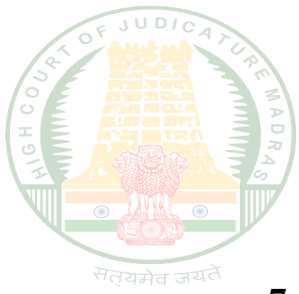
W.P.(MD)No.16752 of 2025

petitioner submitted a representation dated 22.04.2025 to the respondents.

However, no action has been taken on the same and it remains pending without any response. Subsequently, on 16.05.2025, the Registrar of Co-operative Societies issued proceedings in Na.Ka.No.9360/2025/VSA2, to the third respondent, stating that the petitioner and one Vijayalakshmi had sought promotion and that their proposals had been forwarded. It was further directed that, based on seniority, the eligible candidate should be promoted accordingly.

5. The petitioner states that she has no other effective or efficacious alternative remedy and the arbitrary exclusion from promotion violates her fundamental rights under Articles 14 and 16 of the Constitution of India, warranting the interference of this Court. Accordingly, the petitioner prays that the impugned promotion lists dated 14.02.2025 and 24.04.2025 be quashed and a direction be issued to the respondents to promote the petitioner to the post of Junior Assistant, based on her seniority and qualifications, within a time to be fixed by this Court.

6. Heard both sides.

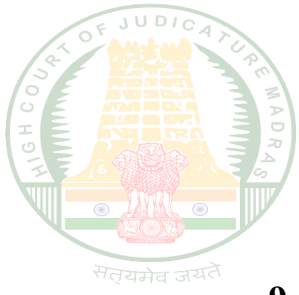


W.P.(MD)No.16752 of 2025

WEB COPY

7. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

8. In the light of the above observations, there shall be a direction to the third respondent herein to consider the petitioner's representation dated 22.04.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, within a period of one month from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the third respondent to consider the same on its own merits.



W.P.(MD)No.16752 of 2025

WEB COPY

9. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

NCC : Yes / No
Index : Yes / No
To:-

23.06.2025
(2/2)

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W.P.(MD)No.16752 of 2025

VIVEK KUMAR SINGH, J.

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W.P.(MD)No.16752 of 2025

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