



W.P.(MD).No.30429 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2025

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THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD)No.30429 of 2025

and

W.M.P.(MD).Nos.23644 & 23645 of 2025

B.Venkateswaran

...Petitioner

Vs.

1. The Registrar of Co-operative Societies
Kilpauk
Chennai.

2. The Chairman
District Recruitment Bureau/
Joint Registrar of Co-operative Society
Office of the Joint Registrar of Co-operative Society
Theni District.

3. The Controller of Examination
District Recruitment Bureau
Theni District.

... Respondents

Prayer: Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned selection list of the 3rd Respondent dated 18.08.2025 and quash the same with a consequential direction, directing the respondents to consider the petitioner recruitments per the G.O.(Ms) No.122 HRD department dated 02.11.2021 and pass such further or other orders as this Honble court may deem fit and proper in the circumstances of this case and thus render justice.



W.P.(MD).No.30429 of 2025

For Petitioner : Mr.P.Subathra Devi
For Respondents : Mr.M.Ajmal Khan
Additional Advocate General
Assisted by
Mr.F.Deepak,
Special Government Pleader

ORDER

The present Writ Petition has been filed challenging the impugned selection list of the 3rd Respondent dated 18.08.2025 and seeking consequential direction to the respondents to consider the petitioner recruitment as per the G.O.(Ms) No.122 HRD department dated 02.11.2021.

2. The case of the petitioner is that the 2nd respondent initially invited applications to fill up the post of Salesman in the Fair Price shops. In the said notification, only 41 vacancies have been mentioned and that preference would be given as per the G.O.Ms.No.122, Human Resources (HRD) Department, dated 02.11.2021. The petitioner applied for the said post through online mode on 02.11.2024. In the provisional selection list issued by the 3rd respondent, 51 candidates were selected for the said post, however, the name of the petitioner was not included in the said list and there is no preference given to the petitioner.



W.P.(MD).No.30429 of 2025

3. The learned Additional Advocate General appearing for the respondent would submit that the petitioner had not come within the zone of consideration even in the MBC category. He would further submit that the Government also reserved its right to modify the notified vacancies. He further relied upon the judgement in the case of ***Sanjay Kumar Mishra and others vs District Judge, Ambedkagar Nagar, UP*** reported in ***2025 SCC online SC 2267***, in support of the claim that the respondents can reserve right to increase or decrease the vacancies and such increased selection cannot be questioned.

4. I have considered the submissions made on either side and perused the materials available on record.

5. Admittedly, it is not in dispute that initially 41 vacancies have been notified in the notification for selection to the post of Salesman. But, however, 51 candidates are shown to have been selected. In the said notification it has also been clearly indicated that vacancies as against notified could be subject to change. While that being so, the increased selection list cannot be said to be arbitrary requiring interference by this Court, in view of the categorical pronouncement of judgement by the



W.P.(MD).No.30429 of 2025

Hon'ble Apex Court, which is relied on by the Additional Advocate General. For better appreciation the relevant paragraph is extracted hereunder:

"10.As we noticed, the advertisement specifically indicated that there could be an increase or decrease of vacancies, which as on the date of advertisement was also indicated as twelve posts. The said recital in the advertisement would clearly indicate that the Appointing Authority intended that a wait list be maintained so as to fill up the vacancies arising in excess of those notified, which was permissible as per the rules. As has been pointed out from the counter affidavit after the advertisement of 2000, the next advertisement was only in 2008 and then in 2015. Definitely vacancies arose within the said period, and this is the reason why the appellants were appointed on various dates subsequent to the appointment to the twelve vacancies advertised. We are definite that the very same situation arose in Naseem Ahmed and the learned Single Judge as also the Division Bench erred in not accepting the said contention, especially having ignored the clear recital of the notification that the vacancies could be increased or decreased from twelve, as notified."

6. Further, the other grounds raised by the learned counsel for the petitioner during the course of argument is that the petitioner is entitled to preferential category which is notified by the Government Order



W.P.(MD).No.30429 of 2025

referred to above. It is to be noted that no vacancies had been modified for the preferential category. In such event, mentioning of the Government Order for grant of preference under the notification cannot be taken into account to hold that the notified vacancies also included vacancies to the preferential category.

7. For the aforesaid reasons, this court do not find any merits in the present writ petition. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

29.10.2025

NCC : Yes/No
Index : Yes/No
Internet : Yes
gvn



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W.P.(MD).No.30429 of 2025

K.KUMARESH BABU, J.

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To:

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Chennai.

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Office of the Joint Registrar of Co-operative Society
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W.P.(MD).No.30429 of 2025

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