



WP(MD). No.32006 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on : 11/11/2025

Pronounced on : 28/11 / 2025

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THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

WP(MD). No. 32006 of 2025
and
WMP(MD)Nos.25198 of 2025

V.M.Manohar

... Petitioner

Vs

1. The Registrar of Cooperative Societies,
O/o. the Registrar of Cooperative Societies,
No.170, Nv Natarajan Maaligai,
EVR High Road,
Kilpauk, Chennai - 600 010.

2. The Joint Registrar of Cooperative Societies /
Common Cadre Authority,
O/o. the Joint Registrar of Cooperative Societies,
Nagercoil, Kanyakumari District.

3. The Administrator,
K.N.80, Kumarapuram Thoppur Primary Agricultural
Cooperative Credit Society,
Kumarapuram Thoppur,
Kanyakumari District.

... Respondents

PRAYER :-

Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorarified Mandamus, to call for

1/8



WP(MD). No.32006 of 2025

the records relating to the impugned order vide Na.Ka. 3024/2019/ThoVeSa(16) dated 17.10.2025 passed by the second respondent and quash the same and consequently directing the respondents to permit the petitioner to work continuously in the third respondent society.

For Petitioner : Mr. D.Shanmugaraja Sethupathi,
Advocate.

For Respondents : Mr.M.Ajmalkhan
Additional Advocate General
Assisted by Mr.F.Deepak,
Special Government Pleader

ORDER

This Writ Petition is filed to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order vide Na.Ka. 3024/2019/ThoVeSa(16) dated 17.10.2025 passed by the second respondent and quash the same and consequently directing the respondents to permit the petitioner to work continuously in the third respondent society.

2. Learned counsel for the petitioner would submit that an order of transfer has been made against the petitioner by the second respondent



WP(MD). No.32006 of 2025

without any authority. Firstly, he would submit that the petitioner is coming under the common cadre service which had governed by Common Cadre Service Rules known as Tamil Nadu Primary Agricultural Co-operative Credit Societies Common Cadre Service Rules, 2019, which had been issued under Section 180(1) read with Section 75(1) of the Tamil Nadu Cooperative Societies Act (herein after referred to as ' the Act'). He would further submit that a Hon'ble Division Bench of this Court in W.P.No.17071 of 2025, in a challenge to the said provision of Section 75 of the Act, had granted interim stay of the same. By further orders in the said writ petition, another Hon'ble Division Bench of this Court had modified the order only to allow the process of selection to continue and had also restrained the department from issuing any appointment orders without leave of this Court. Therefore, he would submit that the provisions of Section 75(1) of the Act, as of today, now stand in operative and therefore, the common cadre authority cannot continue to make any recommendations. He would further submit that in spite of it, recommendations have been made transferring the petitioner from one Co-operative Society to another. In that context, he would submit that after the amendment of the constitution wherein establishing



WP(MD). No.32006 of 2025

the Co-operative Society had also been brought under the fundamental right, the authorities cannot by external means control the functioning of the Cooperative Society which would also include transfer of the employees. Even if application of the Rules that had been framed in this regard, such transfer is in violation of the Rule 18 of the Rules which only mandates a transfer from a particular category to the same category and not to any other category. Hence, he seeks indulgence of this Court.

3. Mr.Ajmal Khan, learned Additional Advocate General appearing for the respondents would submit that in view of the order of modification, there is no stay of the provisions under Section 75(1) of the Act. He would further submit that the said provisions had been subject matter of the challenge earlier and the same had been upheld until the Hon'ble Apex Court. He would further submit that the transfer had been made only in a consonance with the Rules that had been framed under Section 75 of the Act. Hence he seeks dismissal of this writ petition.

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



WP(MD). No.32006 of 2025

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5. The petitioner had challenged his transfer primarily on the ground that the provisions of Section 75(1) of the Rules, under which the Common Cadre Authority is constituted had been stayed by a Hon'ble Division Bench of this Court. Section 75(1) of the Rules, empowers the Government to constitute from time to time, a Common Cadre Service under the said provision. Exercising the said power under G.O.Ms.No. 14, Cooperative and Consumer Protection (CN1) Department dated 12.02.2019, in respect of Tamil Nadu Primary Agricultural Cooperative Credit Societies Rules, 2019, a committee has been constituted.

6. The challenge in the writ petition, in which a Division Bench of this Court had granted stay in respect of Section 75(1) had been made by employees of Transport Corporation Employees Co-operative Thrift and Credit Society. The said society had challenged the provisions of Section 75(1) along with the Rules that had been framed for such Society under GO(Ms).No.12 dated 24.01.2024. The order of interim stay of Section 75(1) can only be prospective from the date on which the stay had been granted. In the present case, exercising powers under Section



WP(MD). No.32006 of 2025

75(1) Rules have been framed with regard to Primary Agricultural Cooperative Credit Societies and Common Cadre Authority has also been constituted. Granting of stay of the said provisions which can be only said to be prospective cannot take away the authority of a constituted committee earlier.

7. It is also to be noted that minority educational institutions which are protected under the provisions of Article 30 of the Constitution of India which is also a fundamental right of minority had already been held to be not an absolute right and regulations can be framed even in respect of an aided minority institutions which are receiving the aid from the Government. In the present case, the Co-operative Societies which have been formed for the benefit of the farmers is in the interest of the public and hence this Court is of the view that the Government can have regulatory powers in the functioning of the said society for which, in the interest of the farmers and the society at large. It is also further to be noted that the rights granted under Section 19(1) is not unfettered and it is always subject to reasonable restrictions. This Court restrains itself from making any further deliberations on the same as the said issue is



WP(MD). No.32006 of 2025

now subjudiced before the Hon'ble Division Bench of this Court. Hence the contention of the petitioner on that ground also stands rejected.

8. For the aforesaid reasons, this writ petition fails and accordingly, dismissed. No costs. Consequently, connected miscellaneous petition stands closed.

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NCC : yes / no
Index : yes / no
Internet : yes / no

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WP(MD). No.32006 of 2025

K.KUMARESH BABU, J

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To

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Kanyakumari District.

Pre-delivery order made in

WP(MD). No. 32006 of 2025
and

WMP(MD)Nos.25198 of 2025

Date : 28/11/2025