

WEB COPY

W.P.Nos.33696 of 2023 & 14024 of 2024
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2025

CJORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.33696 of 2023 & 14024 of 2024 and
WMP.nos.33555, 33557 of 2023, 15207, 15207 of 2024

WP.no.33696 of 2023

D.Murthy

...Petitioner

-Vs-

1.THE SECRETARY TO GOVERNMENT,
COOPERATIVE, FOOD AND CONSUMER PROTECTION
DEPARTMENT, SECRETARIAT, CHENNAI 600 009

2.THE REGISTRAR OF COOPERATIVE SOCIETIES,
POONAMALLEE HIGH ROAD, E.V.R. PERIYAR HIGH ROAD,
KILPAUK CHENNAI 600 010

3.THE JOINT REGISTRAR OF COOPERATIVE SOCIETIES,
THIRUVANNAMALAI REGION, COLLECTORATE, VENGICAL,
THIRUVANNAMALAI 606 604, THIRUVANNAMALAI DISTRICT

4.THE DEPUTY REGISTRAR OF COOPERATIVE SOCIETIES,
THIRUVANNAMALAI CIRCLE, COLLECTORATE, VENGICAL,
THIRUVANNAMALAI 606 604, THIRUVANNAMALAI DISTRICT

Page 1 of 10



W.P.Nos.33696 of 2023 & 14024 of 2024

WEB COPY

5. THE PRESIDENT,

V.T. 760 THIRUVANNAMALAI DISTRICT JUDICIAL DEPARTMENT
EMPLOYEES CO OPERATIVE THRIFT AND CREDIT SOCIETY
LTD. COMBINED COURT BUILDINGS, VENGIKAL,
THIRUVANNAMALAI 606 604 , THIRUVANNAMALAI DISTRICT

6. THE CHAIRMAN,

DISTRICT RECRUITMENT BUREAU, THIRUVANNAMALAI
DISTRICT, O/O. JOINT REGISTRAR OF COOPERATIVE
SOCIETIES, DISTRICT COLLECTOR OF COMBINED COURT
BUILDINGS , VENGIKAL, THIRUVANNAMALAI 606 604

7. THE PRESIDENT, C.1249,

THIRUVANNAMALAI CO-OPERATIVE BUILDING SOCIETY,
THIRUVANNAMALAI

(R7-SUO MOTU IMPEADED AS PER ORDER DATED 17.04.2024
IN WP.33696/2023) ... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India
praying for the issuance of a Writ of Certiorari calling for the entire
records relating to the impugned order passed by the 5th respondent in his
proceedings Na.Ka. 02/ 2023 SAE dated 7.11.2023 consequential order
passed by the 6th respondent in his Notification No. 01/2023 DRB/ TVM
dated 10.11.2023 and quash the same

For Petitioner : Mr.C.Prakasam



WEB COPY



W.P.Nos.33696 of 2023 & 14024 of 2024
For Respondents : Mr.S.Ravikumar,
Special Government Pleader

WP.no.14024 of 2024

N.Babu

...Petitioner

-Vs-

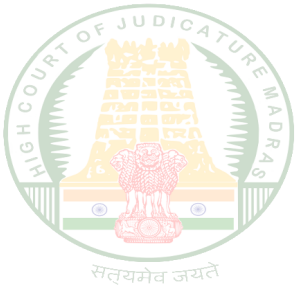
1.THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
CHENNAI-10.

2.THE JOINT REGISTRAR OF CO- OPERATIVE SOCIETIES
CUM- CHAIRMAN, DISTRICT RECRUITMENT BUREAU,
THIRUVANNAMALAI DISTRICT.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, Calling for the records of the second respondent relating to orders in (1) Select list of Assistant dated 24.01.2024 and (2) Pro Na.ka. No.7739/ 2023 /DRB (85) dated 29.01.2024, to quash the same in so far as they relate to withholding of Selection of the petitioner as Assistant (Register No. 770100093) and to issue consequential direction to the Respondents to appoint the petitioner as Assistant with retrospective effect from the date of the appointment of his immediate junior in the Select list dated 24.01.2024 (Vide SI. No.3) with consequential service and monetary benefits.

For Petitioner : Mr.V.Neethidurai
for Mr.G.Punniakoti



WEB COPY

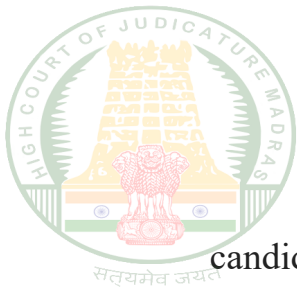


W.P.Nos.33696 of 2023 & 14024 of 2024
For Respondents : Mr.S.Ravikumar,
Special Government Pleader

COMMON ORDER

This writ petition in WP.No.33696 of 2023 has been filed challenging the proceedings of the fifth respondent dated 07.11.2023 and the consequential order passed by the sixth respondent dated 10.11.2023.

2. The petitioner was originally appointed as Junior Clerk in the seventh respondent's society on 27.03.2020. Subsequently he was promoted to the post of Senior Clerk and on deputation, he was absorbed as Secretary in charge of the fifth respondent society in the year 2018. Thereafter, the petitioner is working as Assistant. While being so, the fifth respondent had sent a proposal to the sixth respondent to fill up the post of Assistant as if it is lying vacant in the fifth respondent society without considering the petitioner's post. While admitting this writ petition, this court directed to keep one post vacant in the fifth respondent society. Thereafter the selection process was proceeded and the petitioner in WP.14024 of 2024 was selected to the post of Assistant. However, in view of the interim order passed by this court in WP.33696 of 2023, the petitioner in WP.no.14024 of 2024 who is being the last selected



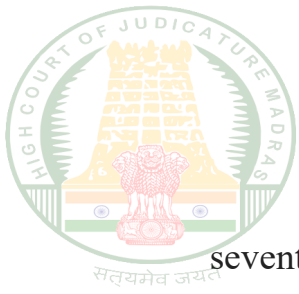
W.P.Nos.33696 of 2023 & 14024 of 2024

candidate by marks, his appointment has been withheld.

WEB COPY

3. The learned counsel for the petitioner would submit that the petitioner was recruited through employment exchange and appointed as Junior Clerk in the seventh respondent society by way of permanent absorption. The petitioner is now working as Assistant and Secretary in charge of the fifth respondent society. In fact, the fifth respondent suppressed this fact and informed that the post of Assistant is lying vacant and the sixth respondent proceeded with the recruitment process. He further submits that the seventh respondent society has now become defunct and as such, the petitioner has been permanently absorbed in the fifth respondent society.

4. On perusal of the counter filed by the third and sixth respondent, it is revealed that the petitioner is not permanently absorbed in the fifth respondent society. That apart, the petitioner is an irregular employee appointed through backdoor entry. His initial appointment in the seventh respondent society was by way of resolution by the then Board of the fifth respondent society in the year 2018. Further, as per resolution No.5 dated 24.08.2018, the petitioner shall be transferred from



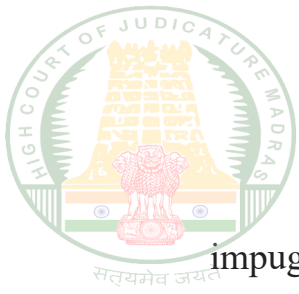
W.P.Nos.33696 of 2023 & 14024 of 2024

seventh respondent to fifth respondent society on deputation basis, that

WEB COPY

too for a period of three years as per rule 149 sub clause 2-A of Tamilnadu Cooperative Societies Rules with the approval of third respondent. Further, the fifth respondent did not send any proposal or communication to the third respondent for deputation proposal. The petitioner is receiving only consolidated pay of Rs.10,000/-. Further, as per Rule 149(2) of Tamilnadu Cooperative Societies Rules, there can be no appointment by way of direct recruitment except by calling for eligible list from the employment exchange. If there is no eligible list provided by the employment exchange, then the said post can be filled up by way of recruitment in accordance with law. Therefore, the appointment of the petitioner is nothing but backdoor entry. Hence, he cannot challenge the notification issued by the fifth respondent and the sixth respondent to recruit to the post of Assistant in the fifth respondent society. Further petitioner's post in the seventh respondent is lying vacant and he shall be accommodated. If there is any grievance insofar as service conditions and other backwages, he can very well approach the Registrar for appropriate relief under Tamil Nadu Cooperative Societies Act, 1983.

5. Hence, this Court finds no infirmity or illegality in the

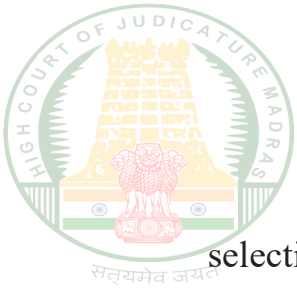


W.P.Nos.33696 of 2023 & 14024 of 2024

impugned orders. As such, the writ petition in WP.No.33696 of 2023 is dismissed. However, the fifth respondent is directed to relieve the petitioner immediately and the seventh respondent is directed to accommodate the petitioner in his original position.

6. In view of the above order passed in WP.No.33696 of 2023, the writ petition in WP.14024 of 2024, which has been filed challenging the orders dated 24.01.2024 and 29.01.2024 of the second respondent is liable to be allowed since the petitioner in WP.no.14024 of 2024 can be appointed as Assistant in the fifth respondent society for the reason, in view of the interim order granted by this Court in WP.No.33696 of 2025, the appointment of the petitioner in WP.No.14024 of 2024 has been withheld by the second respondent.

7. It is seen that the petitioner in WP.No.14024 of 2024 has been selected at 76th post i.e. at turn 133 in first rotation, which belongs to most backward class and denotified communities (PSTM) category. Therefore, the second respondent is directed to issue appointment order to the petitioner in WP.no.14024 of 2024 as Assistant with retrospective effect from the date of the appointment on par with his batchmates as per



W.P.Nos.33696 of 2023 & 14024 of 2024

selection list dated 24.01.2024 within a period of two weeks from the date

WEB COPY

of receipt of copy of this order. It is made clear that the petitioner in WP.no.14024 of 2024 cannot claim any monetary benefits for those period and he is entitled for monetary benefit only from the date of his appointment.

8. With the above directions, the writ petition in WP.no.14024 of 2024 is allowed.

Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

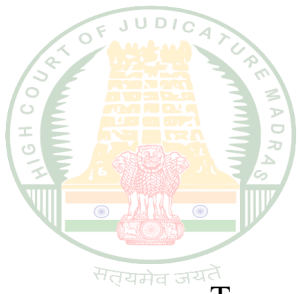
28.11.2025

Neutral citation: Yes/No

Index : Yes/No

Speaking/Non Speaking order

lok



W.P.Nos.33696 of 2023 & 14024 of 2024

WEB COPY

To

1.THE SECRETARY TO GOVERNMENT,

COOPERATIVE, FOOD AND CONSUMER PROTECTION DEPARTMENT,
SECRETARIAT, CHENNAI 600 009

2.THE REGISTRAR OF COOPERATIVE SOCIETIES,

POONAMALLEE HIGH ROAD, E.V.R. PERIYAR HIGH ROAD, KILPAUK
CHENNAI 600 010

3.THE JOINT REGISTRAR OF COOPERATIVE SOCIETIES,

THIRUVANNAMALAI REGION, COLLECTORATE, VENGIKAL,
THIRUVANNAMALAI 606 604, THIRUVANNAMALAI DISTRICT

4.THE DEPUTY REGISTRAR OF COOPERATIVE SOCIETIES,

THIRUVANNAMALAI CIRCLE, COLLECTORATE, VENGIKAL,
THIRUVANNAMALAI 606 604, THIRUVANNAMALAI DISTRICT

5.THE PRESIDENT,

V.T. 760 THIRUVANNAMALAI DISTRICT JUDICIAL DEPARTMENT
EMPLOYEES CO OPERATIVE THRIFT AND CREDIT SOCIETY LTD.
COMBINED COURT BUILDINGS, VENGIKAL, THIRUVANNAMALAI
606 604 , THIRUVANNAMALAI DISTRICT

6.THE CHAIRMAN, DISTRICT RECRUITMENT BUREAU,

THIRUVANNAMALAI DISTRICT, O/O. JOINT REGISTRAR OF
COOPERATIVE SOCIETIES, DISTRICT COLLECTOR OF COMBINED
COURT BUILDINGS , VENGIKAL, THIRUVANNAMALAI 606 604

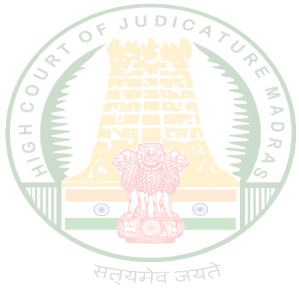
7.THE PRESIDENT,C.1249,

THIRUVANNAMALAI CO-OPERATIVE BUILDING SOCIETY,
THIRUVANNAMALAI

8.THE JOINT REGISTRAR OF CO- OPERATIVE SOCIETIES

CUM- CHAIRMAN, DISTRICT RECRUITMENT BUREAU,
THIRUVANNAMALAI DISTRICT.

Page 9 of 10



WEB COPY



W.P.Nos.33696 of 2023 & 14024 of 2024

G.K.ILANTHIRAIYAN. J,

lok

W.P.Nos.33696 of 2023 & 14024 of 2024

28.11.2025