

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

W.A.No.1173 to 1175 of 2015

&

M.P.No.1 of 2015 (3 Nos.)

K. Elangovan

...Appellant in all W.As./
Petitioner

vs.

1. The Principal Secretary to Government
Department of Tourism and Culture
Fort St. George
Chennai-600 009.

2. Commissioner of Tourism
O/O Commissioner of Tourism
Tamil Nadu Tourism Complex
Wallajah Road
Chennai-600 002.

...Respondents 1 and 2 in all W.As/
Respondents

P. Pushparaj

...3rd respondent in W.A.No.1173/2015

G. Kamarajan

...3rd respondent in W.A.No.1174/2015

A. Venugopal

...3rd respondent in W.A.No.1175/2015/
Respondents

PRAYER: Writ Appeals filed under Clause 15 of the Letters Patent
against the common order dated 25.02.2015 in Review Application
Nos.184 to 186 of 2014 in W.P.Nos.25231 to 25233 of 2013 on the file
of this Court.

Common Prayer :

Petition filed under Order 47 Rule 1 read with Section 114 of Civil Procedure Code praying to review the order made in W.P.Nos.25231, 25232 and 25233 of 2013 respectively, dated 13.03.2014.

W.P.No. 25231 to 25233 of 2013:

Petitions under Article 226 of the Constitution of India, praying for the issue of a Writ of Quo Warranto, Questioning under what authority the third respondent in each of the Writ Petition is holding the post of Assistant Director in the Second Respondent office.

For Appellant : Mr.L.P.Maurya

COMMON JUDGMENT

(Judgment of the Court was delivered by K.K.SASIDHARAN, J)

These three intra-court appeals are directed against the common order dated 10 June 2015 in Review Application Nos.184 to 186 of 2015, whereby and whereunder, the learned Single Judge negatived the request made to review the order dated 13 March 2014 in W.P.Nos.25231 to 25233 of 2013.

2. Heard the learned counsel for the appellant in the concerned intra- court appeals.

3. The appellant filed writ petitions in W.P.Nos.25231 to 25233 of 2013 questioning the appointment of third respondent in the concerned writ appeals. It is the case of the appellant that the concerned appointees are not in possession of required qualification and as such their appointments are bad.

4. The learned Single Judge considered the contentions and having found that the appointments were made by the Government pursuant to the direction issued by the Supreme Court dismissed the writ petitions.

5. Though the appellant filed writ appeals, the intra court appeals were dismissed as withdrawn with liberty to file review applications. Thereafter, the appellants filed review applications. The learned Single Judge dismissed the review applications on account

of the order passed by the Supreme Court in Civil Appeal Nos.1706 and 1707 of 1997.

6. The factual matrix very clearly indicates that it was only on the basis of the order passed by the Supreme Court dated 28 February 2015 in Civil Appeal Nos.1706 and 1707 of 1997, the third respondent in the concerned writ appeals were appointed by the Commissioner of Tourism. Since the appointments were made pursuant to the direction issued by the Supreme Court, it cannot be said that the appointees are not having qualification and as such they should not have been appointed. There is no question of challenging the appointments made by the State pursuant to the direction issued by the Supreme Court. We are therefore of the view that the learned Single Judge was perfectly correct in dismissing the review applications.

7. In the upshot, we dismiss the intra-court appeals. Consequently, the connected MPs are closed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Tr/

To

1. The Principal Secretary to Government
Department of Tourism and Culture
Fort St. George, Chennai-600 009.

2. Commissioner of Tourism
O/O Commissioner of Tourism
Tamil Nadu Tourism Complex
Wallajah Road, Chennai-600 002.

3 CCs to Mr.L.P.Maurya, Advocate SR.No. 44390
1 CC to the Government Pleader, SR.No. 44486

W.A.No.1173 to 1175 of 2015

TEJ (CO)
PSI (21.09.2015)