

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2015

CORAM

THE HON'BLE Mr. JUSTICE SATISH K.AGNIHOTRI
and
THE HON'BLE Dr. JUSTICE P.DEVADASS

W.P.No.36871 of 2015
and
M.P.Nos.1 and 2 of 2015

U.Thamaraiselvi

Petitioner

Vs.

- 1.State of Tamil Nadu rep. by its
Secretary,
Home (Courts) Department,
Secretariat, Fort St. George,
Chennai - 9.
- 2.The Registrar General,
High Court of Madras,
Chennai - 104.
- 3.The Principal District and Sessions
Judge, District Combined Court
Building, Hasthampatti,
Salem - 636 007.
- 4.The Assistant Director,
Director Employment Office,
No.16, Chinnaiah Pillai Street,
North Maravaneri Extension,
Salem - 636 007.

- 5.Tamil Nadu Public Service Commission
rep. by its Chairman,
Frazer Bridge Road, V.O.C.Nagar,
Park Town, Chennai - 3.

.. Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the respondents to absorb and accommodate the petitioner permanently in any one of the posts of Readers, Examiners, Senior Bailiff,

Junior Bailiff, Copyists, Typists and Steno-Typists in various Courts in Salem District, in the Tamil Nadu Judicial Ministerial Service, according to the education qualification of the petitioner, by regularizing the present service of the petitioner in all aspects, without ousting her from service, in line of the order in R.O.C.No.588/A/2006/C3 dated 29.03.2006 on the file of the second respondent and by taking into consideration of the order dated 22.11.2012 passed in W.P.No.30871 of 2012, within a reasonable time to be fixed by this Court.

For Petitioner .. Mr.V.Elangovan

For Respondents ... Mr.P.S.Sivashanmugha Sundaram,
Spl. Govt. Pleader for R1
Mr.M.Baskar for R2 & R3

ORDER
(delivered by SATISH K.AGNIHOTRI, J.)

With the consent of the learned counsel for the petitioner, learned Special Government Pleader appearing for the first respondent and the learned Standing Counsel for respondents 2 and 3, the writ petition is taken up for final disposal. Notice to respondents 4 and 5 is dispensed with at this stage, as no adverse order is passed against them in this writ petition.

2.The issue involved herein is as to whether the petitioner, who was appointed as Typist in Judicial Magistrate Court No.II, Mettur on 17 August 2011 on purely temporary basis under the provisions of Rule 16 (a)(i) of Tamil Nadu Judicial Ministerial Service Rules, pending selection of candidates on regular basis through the Tamil Nadu Public Service Commission, is entitled to continue in service on regular basis.

3.Concededly, the petitioner, along with other persons, was appointed by the Principal District Judge, Salem vide proceedings dated 17 August 2011. One of the conditions in the said proceedings reads as under:

"They are informed that their appointment are purely on temporary basis under Rule 16(a)(i) of Tamil Nadu Judicial Ministerial Service Rules pending selection of candidates as such on regular basis through the Tamil Nadu Public Service Commission and their services will be terminated at any time without assigning any reason whatsoever.

In the meantime, the regular selection took place and the new incumbents have been duly selected for appointment.

4. The identical issue came into consideration in *S. Girija and 11 others vs. The Registrar General, Madras High Court and another*¹ before a Division Bench of this Court wherein one of us (Satish K. Agnihotri, J.) was a Member. The said writ petition was dismissed, declining to issue a direction to regularise the service of the petitioners therein and the relevant portion of the said order reads thus:

"11. In view of the well settled provisions of law as discussed hereinabove and the factual matrix involved in the case on hand, no direction can be issued to regularise the services of the petitioners and continue them on the basis of their continuity of service in the past, after their appointment till date."

5. In view of the above, this writ petition is also dismissed in the same terms. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar (CSIII)

True Copy

Sub-Assistant Registrar

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To

1. The Secretary to Government.
Home (Courts) Department,
Secretariat, Fort St. George,
Chennai - 9.
2. The Registrar General,
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Chennai - 104.
3. The Principal District and Sessions
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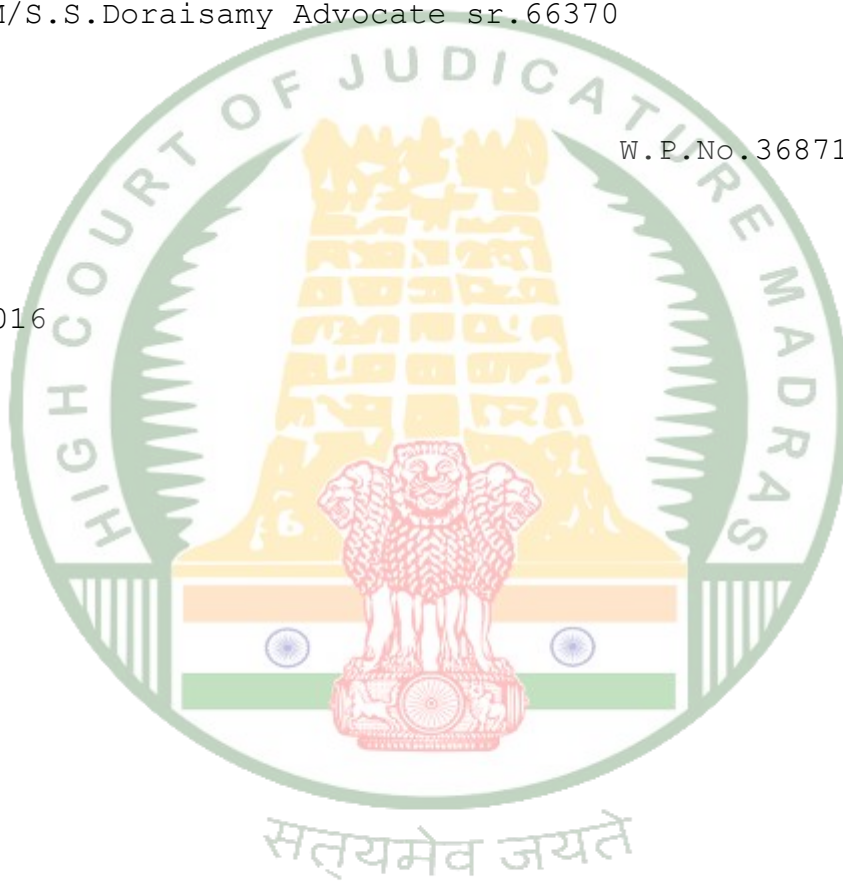
4.The Assistant Director,
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North Maravaneri Extension,
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5.The Chairman,
Tamil Nadu Public Service Commission,
Frazer Bridge Road, V.O.C.Nagar,
Park Town, Chennai - 3.

+1 cc to M/S.S.Doraisamy Advocate sr.66370

W.P.No.36871 of 2015

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