

In the High Court of Judicature at Madras

Dated : 24.2.2015

Coram :

The Honourable Mr. Justice V. RAMASUBRAMANIAN
and
The Honourable Mr. Justice P. R. SHIVAKUMAR

Writ Petition No. 4675 of 2015 and MP. No. 1 of 2015

M. Devadoss

.. Petitioner

Vs

1. The Union of India rep. by the
Secretary to Government,
Ministry of Law & Justice, New Delhi.
2. The Registrar General, Madras High
Court, Chennai-104.
3. The Secretary to the President of
India, Rashtrapathi Bhavan, New
Delhi.
4. The State of Tamilnadu, rep. by the
Secretary to Government, Law
Department, Secretariat, Chennai-9. Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to follow the procedure under Article 217 of The Constitution of India to fill the 18 permanent vacancies in the post of Honourable Judge in the Honourable High Court of Madras after making 8 adhoc Judges permanent.

For Petitioner : Mr. S. Selvathirumurugan

Order of the Court was made by V. Ramasubramanian, J

The petitioner, who is practising as an advocate on the file of this Court, has come up with the above writ petition, seeking the issue of a Writ of Mandamus to direct the respondents to follow the procedure prescribed under Article 217 of The Constitution to fill up the 18 permanent vacancies in this Court, after making 8 Ad hoc Judges permanent.

2. Heard Mr. S. Selvathirumurugan, learned counsel for the petitioner.

3. The main grievance of the petitioner is that the appointment of Judges to this Court is governed only by Article 217(1) of The Constitution and that the same does not contemplate the appointment of Additional Judges. It is only Article 224 that provides for appointment of Additional and Acting Judges and that the practice of appointing Ad hoc Judges is unknown to The Constitution. According to the petitioner, when there are 8 Judges holding office for a term of two years, termed by the petitioner as Ad hoc Judges, there cannot be any recommendation by the Collegium without making those Judges permanent.

4. At the outset, we have to point out that the writ petition proceeds mainly on the premise that the Collegium of Judges of this Court has recommended a few persons for appointment as Additional Judges. The petitioner does not know whether any steps have been taken to make those 8 Additional Judges permanent. Even according to the learned counsel, it is from the newspaper reports that he has come to know that recommendations have been made only for appointment as Ad hoc Judges. A writ petition cannot be entertained on the basis of apprehensions.

5. Moreover, there is nothing in Article 224 of The Constitution to prohibit the appointment of Additional Judges or Acting Judges for a period not exceeding two years, whenever there is any temporary increase in the business of the High Court. As on date, there are 45 permanent posts and 15 temporary posts. Therefore, even if a recommendation is made, in terms of Article 224, the same cannot be objected to by the petitioner.

6. Accordingly, the writ petition is dismissed. Consequently, the above MP is also dismissed.

Sd/-
Assistant Registrar
Dated:2.3.15

True Copy

Sub Assistant Registrar

To

1.The Secretary to Government, Union of India, Ministry of Law & Justice,
New Delhi.

2.The Registrar General, Madras High Court, Chennai-104.

3.The Secretary to the President of India, Rashtrapathi Bhavan, New Delhi.

4.The Secretary to Government of Tamilnadu, Law Department, Secretariat,
Chennai-9.

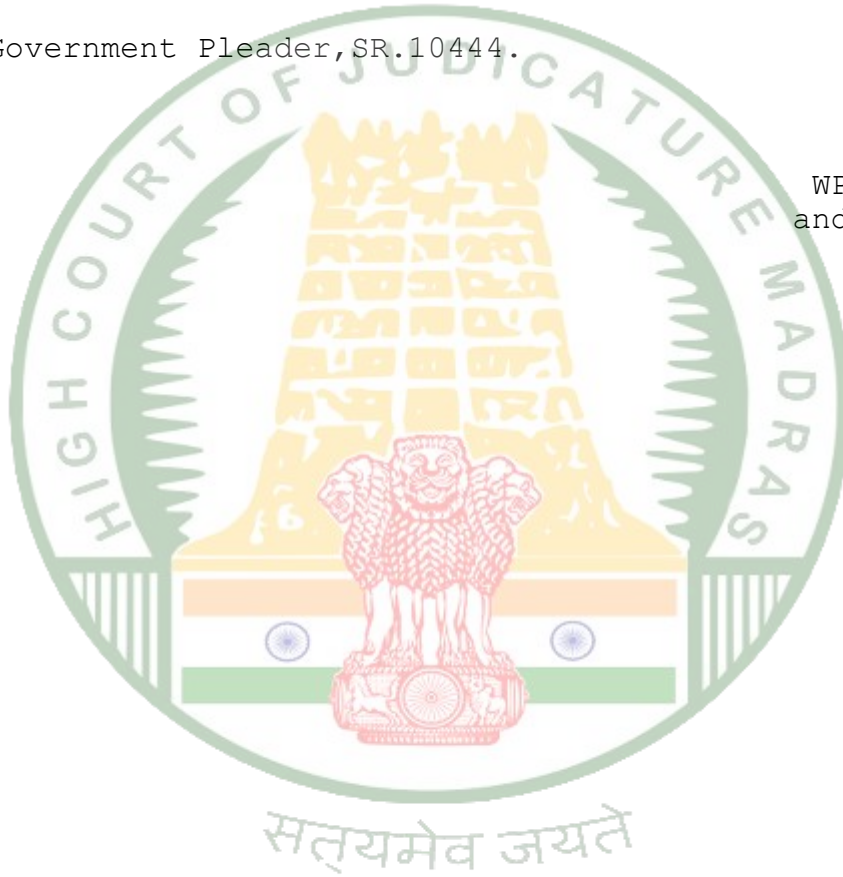
+1 cc to Mr.S.Selvathirumurugan, Advocate,SR.9908

+1 cc to Mr.Su.Srinivasan, Advocate,SR.10055

+1 cc to Government Pleader,SR.10444.

tej (co)
krd 6/3

WP.No.4675 of 2015
and MP.No.1 of 2015



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