



WEB COPY

1

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.06.2015

CORAM:

THE HONOURABLE MR. JUSTICE S.MANIKUMAR

and

THE HONOURABLE MR. JUSTICE G.CHOCKALINGAM

W.P. (MD) No. 9709 of 2015

and

M.P. (MD) Nos. 1 and 2 of 2015

J.Kaja Moideen

.. Petitioner

Vs.

1. The State of Tamil Nadu

Rep.by Secretary to Government ,
Home (Courts) Department,
Fort St.George, Chennai 600 009.

2. The Registrar General,
High Court, Madras.

3. The Tamil Nadu Public Service Commission,
Rep.by its Secretary, Chennai.

... Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the selection list of the 3rd respondent, dated 2.6.2015 published in the web-site for the present, quash the same in so far as non-selection of petitioner in BC (Muslim General) and consequently direct the respondents to select the petitioner as Civil Judge under BC (Muslim General) and to allow the petitioner to participate in the training process.

For Petitioner : Mr.Veera Kathiravan

For Respondent-1 : Mr.M.Alagadevan
Spl.Govt.Pleader

For Respondent-2 : Mr.Pala.Ramasamy

For Respondent-3 : Mr.K.K.Senthil

ORDER

(Order of this Court was made by S.MANIKUMAR, J.)

Contending interala that selection has not been made, by following the Rule of Reservation, as per the Judgment of the Hon'ble Supreme Court in **Rajesh Kumar Daria v. Rajasthan Public Service Commission and Others** reported in (2007 (8) SCC 785), and thus the petitioner, who belonged to BC (Muslim General), has been denied of a berth, in the selection of Civil Judges in the State of Tamil Nadu. Petitioner has sought for a Writ of Certiorarified Mandamus, calling for the records relating to the selection list of the Tamil Nadu Public



Service Commission, represented by its Secretary, Chennai, Respondent No.3, dated 2.6.2015, published in the web-site and to quash the same, in so far as the non-selection of the petitioner in BC (Muslim General) and consequently, the petitioner sought for a direction to the respondents, to select him, as Civil Judge, under BC (Muslim General) and to allow him to participate in the training process.

2. When the matter came up for admission, attention of this Court was brought to the order passed by the Hon'ble Supreme Court, in Special Leave to Appeal (C)... of 2015, CC No.(s).8683/2015, wherein the Hon'ble Supreme Court, upon hearing the learned counsel, made the following order:-

"There shall not be any interference by any person / authority or learned Judges in completing the process initiated by the High Court for selection and appointment of Junior Divisional Judicial Officers, till the disposal of the special leave petition."

3. As regards the above directions, Mr.Veera Kathiravan, learned counsel appearing for the petitioner submitted that the directions issued by the Hon'ble Supreme Court, cannot be made applicable to the case on hand, where, the petitioner has suffered non-selection, due to the mistake committed by Tamil Nadu Public Service Commission.

4. When the selection of the Civil Judges is "*sub judice*" in the Hon'ble Supreme Court and in the light of the directions, extracted supra, we are not inclined to entertain the Writ Petition.

5. In the result, the Writ Petition is dismissed with liberty to the petitioner to approach the Hon'ble Supreme Court. Consequently, the connected miscellaneous petitions are also dismissed.

Sd/-
Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar

To

- 1.The Secretary to Government ,
State of Tamil Nadu, Home (Courts) Department,
Fort St.George, Chennai 600 009.
 - 2.The Registrar General, High Court, Madras.
 - 3.The Secretary, The Tamil Nadu Public Service Commission, Chennai.
- +1cc to M/s.Veera Kathiravan, Advocate SR.No.31003
+1cc to Mr.K.K.Senthil, Advocate SR.No.31086
+1cc to Special Govt.Pleader SR.No.31369

W.P. (MD) No.9709 of 2015
16.06.2015