

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-09-2016

CORAM :

THE HON'BLE MR. JUSTICE A.SELVAM
and
THE HON'BLE MR. JUSTICE P.KALAIYARASAN

Writ Petition No.30353 of 2016

- 1 R.Gopal S/o.Rajaram
65 VII Cross Street
Health Employees Colony
Nainarmandapam Pondicherry - 605 004
 - 2 P.Aroquidadasse
S/o.Perianayagam 54 2nd Main Road 5th
Cross Moogambigai Nagar Nainarmandapam
Puducherry- 605 004
- Petitioners
- Vs
- 1 The Union of India
Rep by its Chief Secretary to the Government
of Pondicherry Chief Secretariat (Education)
Secretariat Pondicherry-1
 - 2 The Under Secretary to
Government (School Education) Directorate of
School Education (Secretariat Wing)
Government of Pondicherry
Secretariat Pondicherry-1
 - 3 The Union Public Service
Commission Rep by its Secretary Dholpur
House Shahjahan Road New Delhi-110 069
 - 4 The Registrar
Central Administrative Tribunal Madras Bench
Chennai
- Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorari fied mandamus Calling for the records pertaining to the interim order dated 8.1.2016 passed by the 4th respondent in O.A. No.310/ 01495/2015 quash the same and consequently direct the respondents 1 to 3 to permit the petitioners to participate in the selection pursuant to the Notification Vacancy No.15081021308 published in the Employment News dated 8.8.2015 to 14.8.2015

For petitioners .. Mrs. R. Vaigai for M/s. S. Meenakshi
For Respondents .. Mr. Syed Mustafa, GP(Pondicherry)
for RR1 and 2
Mr. R. Priya Kumar for R3

ORDER

(Order of the Court was made by A.SELVAM, J.)

This Writ Petition has been filed under Article 226 of the Constitution of India,praying to issue a Writ of Certiorarified Mandamus, calling for the records, relating to the order dated 8.1.2016 passed in Original Application No.310/0149/2016 by the Central Administrative Tribunal, Madras Bench and quash the same.

2. It is averred in the Original Application that the petitioners, as applicants, have filed Original Application No.310/0149/2016 on the file of the Central Administrative Tribunal, Madras Bench, praying to quash the Notification Vacancy No.15081021308 published in the Employment News dated 8.8.2015 to 14.8.2015, wherein the present respondents 1 to 3 have been shown as respondents.

3. During the pendency of Original Application No.310/0149/2016, the Central Administrative Tribunal, Madras Bench, has passed the following interim order:

"Any selection to the post of Principal pursuant to the Notification Vacancy No.15081021308 published in the Employment News dated 8.8.2015 to 14.8.2015 will be subject to the final outcome of the OA."

The Interim order passed by the Central Administrative Tribunal, Madras Bench is being challenged in the present writ petition.

4. The learned counsel appearing for the writ petitioners has contended with great vehemence to the effect that in the impugned Notification, the upper age limit has been fixed at 40 and the petitioners have already attained the age of

50. Under the said circumstances, even though the petitioners have put in long years of service, they are not able to participate in the selection for the post of Principal and the under the said circumstances, the Original Application No.310/0149/2016 has been filed, but the Central Administrative Tribunal, Madras Bench has erroneously passed the interim order and the same is liable to be quashed.

5. Per contra, the learned counsel appearing for the third respondent has equally represented that as per the impugned Notification, selection has been done on 31.8.2016. Under the said circumstances, the relief sought on the side of the petitioners cannot be granted.

6. It is an admitted fact that Original Application No.310/0149/2016 has been filed, praying to set aside the Notification Vacancy No.15081021308 published in the Employment News dated 8.8.2015 to 14.8.2015. It is also equally an admitted fact the the Central Administrative Tribunal, Madras Bench has passed the interim order mentioned supra.

7. Considering the plea raised on the side of the petitioners and also considering the nature of the relief sought in the Original Application No.310/0149/2016 as well as interim order passed by the Central Administrative Tribunal, this Court is of the view to give the following direction to the Central Administrative Tribunal, to dispose of Original Application No.310/0149/2016 subject to the condition mentioned infra:

In fine, the Writ Petition is disposed of with the above observations. The Central Administrative Tribunal, Madras Bench is directed to dispose of Original Application No.310/0149/2016 before the end of 16.9.2016. Till then, the statusquo is ordered to be maintained.

सत्यमेव जयते
-s/d-

Assistant Registrar(CSVI)

True Copy

WEB COPY

Sub-Assistant Registrar

ajr

To

1 Chief Secretary to the Government
of Pondicherry Chief Secretariat (Education)
Secretariat Pondicherry-1

2 The Under Secretary to
Government (School Education) Directorate of
School Education (Secretariat Wing)
Government of Pondicherry
Secretariat Pondicherry-1

3 Secretary
The Union Public Service
Commission Dholpur
House Shahjahan Road New Delhi-110 069

4 The Registrar
Central Administrative Tribunal Madras Bench
Chennai

+1 cc to M/s.S.Meenakshi Advocate sr 50737 dt:09/09/2016

+1 cc to M/s.R.Priyakumar Advocate sr 49995

+1 cc to Government Pleader

Writ Petition No.30353 of 2016

aa02/09/2016



WEB COPY