

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2017

CORAM

THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO
and
THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.10244 OF 2017

G.Vijayalakshmi

.. Petitioner

-vs-

1. State of Tamilnadu
rep. by the Secretary to Government (Home)
Chennai 600 009.
2. The Tamil Nadu Public Service Commission
rep. by its Secretary
Chennai.
3. The Registrar General
High Court, Madras.
4. The Principal District Judge
District Court Complex
Villupuram.

.. Respondents

Writ Petition filed under 226 of the Constitution of India for issuance of a writ of mandamus to direct the respondents to absorb the petitioner in the Tamil Nadu Judicial Ministerial Service and also forbear the respondents 3 and 4 from terminating/ousting the petitioner from service.

For Petitioner : Mr.N.Suresh

For Respondents : Mr.M.Baskar -R3 & R4

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O R D E R

NOOTY.RAMAMOHANA RAO, J.

The petitioner has come forward with this Writ Petition for issuance of a writ of mandamus to direct the respondents to absorb her in the Tamil Nadu Judicial Ministerial

Service and also forbear the respondents 3 and 4 from terminating/ousting her from service.

2. Dealing with somewhat similar issue in W.P.No.2206 to 2212 of 2017 etc. batch, we have issued the following directions:

"4. It is true that having rendered a little more than two years of service and that too satisfactorily and then getting out of employment, such as the Judicial Ministerial Services would cause any amount of heartburn and hardship. But that was reason for us to bend the legal principles backwards and order for consideration of the cases of the writ petitioners exclusively for purposes of filling up of existing vacancies such as Examiner, Reader, Senior Bailiff, Junior Bailiff, Record Keeper, Shroff, Assistant Shroff, Record Clerk and Xerox Operator, lying vacant as of now in various District Courts and Small Causes Court, Madras. In the given facts and circumstances, we consider that equities can be stretched a little in favour of the writ petitioners by issuing the following directions:-

(1) As and when any regular recruitment or temporary appointments are undertaken by the State Government and or in particular by the 5 Principal District Judges/ Court of Small Causes/ High Court as the case may be, the cases of the writ petitioners may be considered duly relaxing the upper age limit to some extent, rounding it off to the nearest whole number, such as 3 or 4 as the case may be, corresponding to the length of service put in by the respective petitioners.

(2) The respective District Employment Officers would also grant similar consideration for the purpose of sponsoring the names of the writ petitioners concerned to any other appointing authority.

(3) The District Employment Exchange concerned will restore the original seniority of the respective writ petitioners, if at all their names have been struck off/rounded off from their Rolls. "

3.We consider that ends of justice would be better served, if the same directions are issued even this case. However, Registry is directed to enclose a copy of that Judgment to this order.

4.Accordingly, the Writ Petition stands disposed of on the above terms. No costs.

(Xerox copy of Judgment in W.P.No.2206 of 2017 etc batch enclosed herewith)

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

rpa

To

1. The Secretary to Government (Home)
State of Tamilnadu
Chennai 600 009.
2. The Secretary
Tamil Nadu Public Service Commission
Chennai.
3. The Registrar General
High Court, Madras.
4. The Principal District Judge
District Court Complex
Villupuram.

+1cc to Mr.N.Suresh, Advocate, S.R.No.40130

CS/09/06/17

W.P.No. 10244 OF 2017