

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2017

CORAM:

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

W.P.Nos.14646 to 14649 of 2017

- | | |
|-------------------|-------------------------------------|
| 1.N.Gajalakshmi | ... Petitioner in W.P.14646 of 2017 |
| 2. E.Lingesan | ... Petitioner in W.P.14647 of 2017 |
| 3. S.Chakkarapani | ... Petitioner in W.P.14648 of 2017 |
| 4. A.Raman | ... Petitioner in W.P.14649 of 2017 |

Versus

- | | |
|--|------------------------------|
| 1. State of Tamil Nadu,
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 in all W.Ps. |

Common Prayer : Writ petitions filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondents to absorb the petitioner in the Tamil Nadu Judicial Ministerial Service and also forbearing the respondents 3 and 4 from terminating/ousting the petitioner from the services.

For Petitioner : Mr.N.Suresh (in all W.P.s)

For Respondents : Mr.S.Babu, (in all W.P.s)
Government Advocate for R1

Mr.C.T.Mohan for R3 and R4

COMMON ORDER

(Order of the Court was Made by NOOTY. RAMAMOHANA RAO, J)

Heard Mr.N.Suresh, learned counsel for the writ petitioners.

2. These are all unfortunate cases instituted by young unemployed persons with some hope and desire to get recruited to the services under the Government hold. However, hard, the facts might be and however, much we sympathize with their cause, we have to restrain ourselves from any extravagant indulgence with the legal principles.

3. The facts lie in a narrow campus. The various posts included in the Judicial Ministerial Services, to which direct recruitment is provided as a source, such vacancies have been notified to the Tamil Nadu Public Service Commission which would advertise, conduct examination/selection process and select suitable candidates and allot them for appointment in the Judicial Ministerial Services. Since the said process is a time consuming one and large number of vacancies were found lying in the Courts and consequently the Court's functioning was adversely impacted, a resort was made to make temporary recruitment by inviting through respective District Employment Exchanges which sponsored the suitable candidates existing on its rolls. After a nominal selection process was indulged in the writ petitioners are found to be the successful candidates and hence, they were appointed on a temporary basis, subject to replacement by those candidates selected by the Tamil Nadu Public Service Commission. The writ petitioners have completed a little more than two years of service and as soon as the regular candidates selected by the Tamil Nadu Public Service Commission arrived, the Chief Judge, Court of Small Causes, Chennai/Principal District Judge, Tiruvallur have ousted the writ petitioners from out of their temporary employment. Unfortunately, for the petitioners either they have not responded to the recruitment notifications subsequently taken out by the Tamil Nadu Public Service Commission or in case they have responded they were not successful in securing selection.

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 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.

5. We only hope that the writ petitioners will not lose hope and would trust that their hard work would pay the necessary dividend at some time or the other.

6. With this, each writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ah/rns

To

1. The Secretary to Government (Home),
Government of Tamil Nadu,
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.

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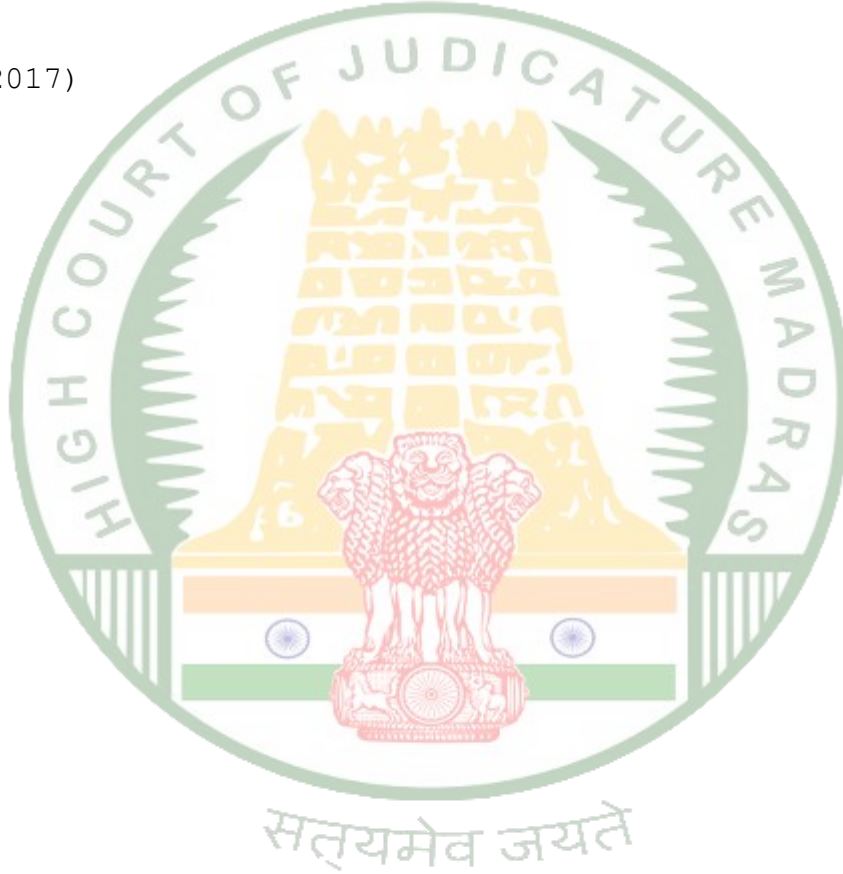
1. The Registrar,
Court of Small Causes,
Chennai 600 104.

2.The Director of Employment & Training,
Government of Tamilnadu, Chennai.
(For circulation of Copies of this
Order among the District Employment
Officers, Chennai & Villupuram)

+4cc's to M/s.N.Suresh, Advocate, S.R.No.41955
+1cc to the Government Pleader, S.R.No.42371

W.P.Nos.14646 to 14649 of 2017

RSK(CO)
CA(27/06/2017)



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