

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2017

CORAM:

THE HON'BLE MR.JUSTICE NOOTY.RAMAMOHANA RAO
and
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. Nos.15354 & 15355 of 2017

M. Manimegalai ... Petitioner in WP.15354 of 2017
M. Gomathi ... Petitioner in WP.15355 of 2017

Vs.

1. The Registrar General
High Court of Madras
High Court Buildings
 2. The Principal District and Sessions Judge
District Combined Court Building
Namakkal District
Tiruchengode Road
Namakkal
 3. The Assistant Director of Employment
District Employment Officer
Namakkal Old Civil Court Campus
Opp. BSNL
Mohanur Road
Namakkal
- ... Respondents in both the WPs

Writ Petitions filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 2 and 3 to consider the petitioners' candidature for appointment to the posts of Senior Bailiff, Junior Bailiff and Reader/Examiner in the forthcoming selection in filling up of the available vacancies in Namakkal District, by giving relaxation in the upper age limit by considering the petitioners' representations dated 12.04.2017.

For petitioners in : Mr. R. Neelakandan
both the WPs

For R1 : Mr. C.T. Mohan
in both the WPs Standing Counsel

COMMON ORDER

(Common order of the Court was made by NOOTY. RAMAMOHANA RAO, J.)

These writ petitions have been instituted seeking a writ of mandamus directing the respondents 2 and 3 to consider the petitioners' candidature for appointment to the posts of Senior Bailiff, Junior Bailiff and Reader/Examiner in the forthcoming selection while filling up of the available vacancies in Namakkal District, by giving relaxation in the upper age limit by considering the petitioners' representations dated 12.04.2017.

2. Heard the learned counsel for the writ petitioners and the learned Standing Counsel for the first respondent.

3. In view of commonality of both facts and issue at hand, both the writ petitions are considered and decided by this common order.

4. These are unfortunate cases instituted by persons temporarily working as Typist, Fast Track Mahila Court, Namakkal and Junior Assistant, ***Principal District Munsif Court, Namakkal**, respectively, with some hope and desire to get recruited permanently 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 settled legal principles.

5. The facts lie in a narrow compass. Vacancies to various posts included in the Judicial Ministerial Services, to which direct recruitment is provided as a source, were notified to the Tamil Nadu Public Service Commission, which would advertise, conduct examination/selection process, select suitable candidates and allot the selected candidates 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 getting adversely impacted, a resort was made to make temporary recruitment by inviting candidates from respective District Employment Exchanges, which sponsored the suitable candidates existing on its rolls. After a nominal selection process was indulged in, the writ petitioners were found to be successful candidates and hence, they were appointed purely on a temporary basis, subject to replacement by those candidates selected by the Tamil Nadu Public Service Commission.

6. It appears that the writ petitioners have completed more than three years of service and as and when the regular candidates selected by the Tamil Nadu Public Service Commission

arrive, apprehending any orders ousting them from out of their temporary employment, they have come up with the instant writ petitions. Unfortunately, for the petitioners, it is inferable that 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 regular selection.

7. It is true that having rendered more than three years of service and that too, satisfactorily, if the petitioners get out of employment on the arrival of the newly recruited candidates by the Tamil Nadu Public Service Commission, it would cause some amount of heartburn and hardship. That is no reason for us to bend the legal principles backwards and order for consideration of the cases of the writ petitioners for regularisation or exclusively for purposes of filling up of existing vacancies such as Senior Bailiff, Junior Bailiff and Reader/Examiner, lying vacant as of now in the Courts in Namakkal District.

8. In the given facts and circumstances, we consider that equities can be stretched a little in favour of the writ petitioners by directing that as and when any regular recruitment is undertaken by the State Government and/or in particular by the Principal District Judge, Namakkal/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 them.

9. 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.

These writ petitions stand disposed of with the above direction and observation. Costs made easy.

Sd/-

Assistant Registrar(CS IV)

Dated: 30.06.2017

***Corrected as per order
of this Court dated 09.08.2017
in W.P. Nos 15354 & 15355/17.**

sd/- Assistant Registrar(CS IV)

Dated: 11.08.2017

//True Copy//

Sub Assistant Registrar

cad

To

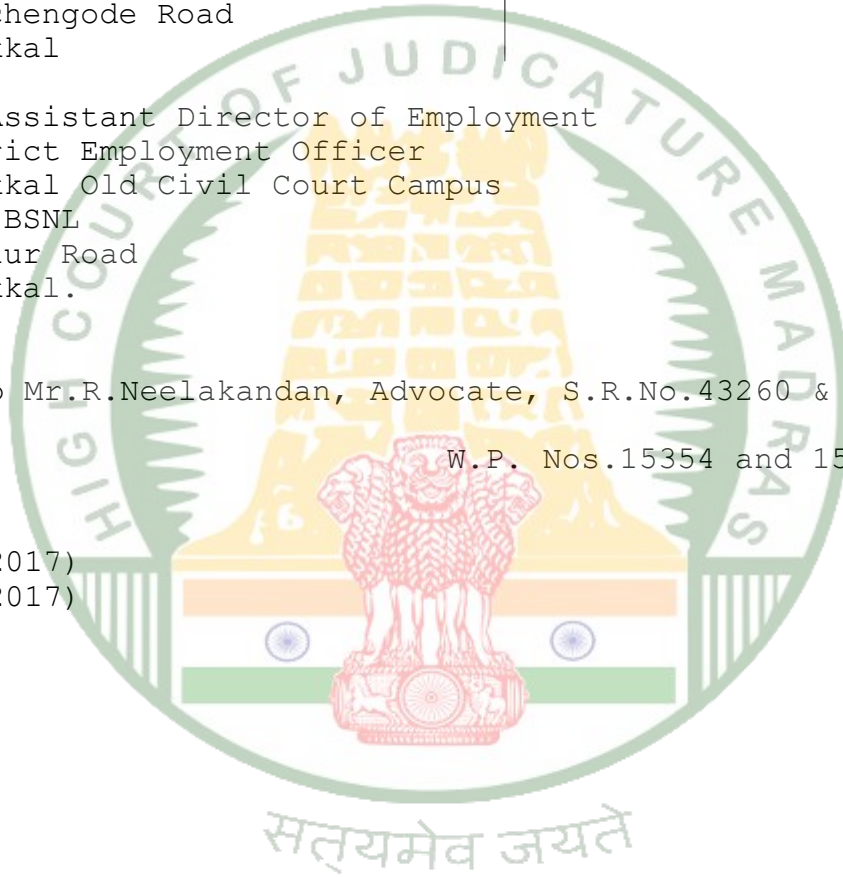
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Corrected order to be
substituted for the order
already despatched on
14.07.2017.

+4 CC's to Mr.R.Neelakandan, Advocate, S.R.No.43260 & 57576.

W.P. Nos.15354 and 15355 of 2017

CS IV
CA(03/07/2017)
SP(11/08/2017)



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