

In the High Court of Judicature at Madras

Dated : 12.4.2017

Coram :

The Honourable Mr.Justice NOOTY.RAMAMOHANA RAO

and

The Honourable Mr.Justice S.M.SUBRAMANIAM

W.P.No.28056 of 2015 and M.P.No.1 of 2015

1.V.Jayanthi,
2.S.Ezhilarasi
3.R.Kavitha
4.M.Tamilselvi
5.R.Rasathilagam
6.C.Sumathi
7.R.Chandravanitha
8.P.Jayaseely

...Petitioners

Vs

1.The State of Tamil Nadu, rep.
by the Secretary to Government,
Home Department, Chennai-9.
2.The Tamil Nadu Public Service
Commission, rep. by its Secretary,
Chennai.
3.The Registrar General, High Court,
Chennai.
4.The Principal District Judge,
District Court Complex, Villupuram.

...Respondents

PETITION under Article 226 of The Constitution of India praying for issuance of Writ of Mandamus directing the 1st and 2nd respondents to conduct special examination to the petitioners as per G.O.Ms.No.61 Personnel and Administrative Reforms (P) Department dated 22.5.2009 so as to absorb/regularize the petitioners in the Tamil Nadu Judicial Ministerial Service by implementing the orders passed by this Honourable Court in W.P.Nos. 9710 and 10189 of 2009 dated 10.6.2009 and W.P.Nos.1490 to 1494 of 2010 dated 28.1.2010 and also forbear respondents 3 and 4 from terminating/ ousting the petitioners till respondents 1 and 2 comply with the above said

G.O. and the order of this Court.

For Petitioners	:	Mr.N.Suresh
For Respondent-1	:	Mr.S.Babu, GA
For Respondent-2	:	Ms.C.N.G.Niraimathi
For Respondents 3 & 4:		Mr.M.Baskar

Order of the Court was made by NOOTY.RAMAMOHANA RAO,J

This writ petition has been instituted by eight individuals, who are working on temporary basis as Junior Assistants, Steno Typists and Typists in various Subordinate Courts in Villupuram District.

2. We feel sad to note that they have been working for quite some time in that capacity. Unfortunately, they could not be appointed on regular basis. Therefore, they filed the present writ petition seeking direction to the first and second respondents namely the State of Tamil Nadu and the Tamil Nadu Public Service Commission to conduct a special examination to them as per the orders contained in G.O.Ms.No.61 Personnel and Administrative Reforms (P) Department dated 22.5.2009, so that they can get their services regularized.

3. It is appropriate to notice that orders have been passed by the State Government in their G.O.Ms.No.61 for holding a special competitive examination at Group IV level, as a one time measure, to enable the temporary employees, who get qualified there-at to be regularized/absorbed in regular posts. Temporarily, candidates are getting recruited, as regular recruitment process to be undertaken by the Tamil Nadu Public Service Commission was consuming enormous time and in the meantime, the work in the Courts cannot be kept pending and to avoid the work in the Courts piling up, resort is made to temporary recruitment. However, temporarily recruited candidates, having not gone through the process of regular recruitment, cannot be allowed to be regularized, unless a Policy decision is taken in respect thereof.

4. When, in somewhat similar circumstances, several temporary employees have instituted W.P.No.2206 to 2218 of 2017, we have considered the issue relating to the feasibility of holding once again any such special competitive examination. However, we found, in principle, that any such direction cannot be issued. Instead, the following directions have been issued by us in the common order passed by us in those batch of cases on 01.2.2017 :

"(i) 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.

(ii) 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.

(iii) 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. Hence, let there be similar directions even in the present case and accordingly, the writ petition stands disposed of. No costs. Consequently, the above MP is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

RS

To

1.The Secretary to Government of Tamil Nadu, Home Department, Chennai-9.

2.The Secretary, Tamil Nadu Public Service Commission, Chennai.

3.The Registrar General, High Court, Chennai.

4.The Principal District Judge, District Court Complex, Villupuram.

+1cc to Mr.Suresh, Advocate, S.R.No.22539

+1cc to the Government Pleader, S.R.No.22722

WP.No.28056 of 2015
and MP.No.1 of 2015

VSN(CO)
RS(24/04/2017)