

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.7.2017

CORAM :

THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO

AND

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

WRIT PETITION NOS.18504 AND 18505 OF 2017  
& WMP.NOS.20075 AND 20076 OF 2017

P.Parvathy

...Petitioner in  
WP.18504/2017

M.Srinivasan

...Petitioner in  
WP.18505/2017

Vs

The Principal District Judge,  
Vellore.

...Respondent in  
both WPs

PETITIONS under Article 226 of The Constitution of India praying for the issuance of Writs of Certiorarified Mandamus to call for the records relating to the proceedings of the respondent in Dis.No.3620/2015 /A dated 28.4.2015, quash the orders passed therein and direct the respondent to consider past service of the petitioners for being appointed in any of the post of Office Assistant/Masalchi (WP.No.18504 of 2017) and Office Assistant/ Driver/Masalchi (WP.No.18505 of 2017), in the Vellore District

For Petitioners : Sri.M.Devaraj

For Respondent : Sri.Haja Mohideen Gisthi

COMMON ORDER

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

Mr.Haja Mohideen Gisthi, learned Standing Counsel accepts notice for the respondent. Heard him along with the learned counsel for the petitioners. Both these writ petitions can be disposed of by this common order.

2. It is rather unfortunate that in spite of the best efforts, resort to temporary appointments is made to attend to the ever mounting work load in the Subordinate Courts. Direct recruitment is a time consuming process, because the vacancy position from all the District Courts have to be ascertained by the Registry of this Court and then process the data for direct recruitment by intimating the Public Service Commission and there afterwards, the Public Service Commission will have to take out an advertisement inviting applications and also conduct the selection process ultimately leading to the recruitment. It is only thereafter direct recruits become available for appointment on regular basis.

3. It is during this interregnum period, resort is made by securing the services of persons registered with the local Employment Exchange, on temporary basis. That is why both the petitioners in these writ petitions came to be recruited purely on temporary basis in April 2014 and by April 2015, when they were just about to complete one year of temporary service, their services came to be ousted pursuant to a directive issued by this Court on 22.4.2015.

4. It is also the claim of the petitioners that their cases deserve consideration against direct recruitment method by ignoring the upper age limits prescribed.

5. The petitioner in W.P.No.18505 of 2017 Sri.M.Srinivasan has claimed that he is a member belonging to scheduled caste, while the petitioner in W.P.No.18504 of 2017 made no such claim of any social reservation. Thus, this petitioner can only compete against open category vacancy while Sri.M.Srinivasan can compete against the vacancy set apart for scheduled caste candidates also. The upper age limit fixed for open competition candidates is 30 years whereas for the scheduled caste/scheduled tribe, it is 35. Even if we were to ask the District Unit Heads to give credit for the length of service put in by them, for that matter even double the extent of service put in by them for waiving the upper age limit appropriately, even then the case of the petitioners does not fall within the permissible upper age limits prescribed for the respective social categories for direct recruitment. We, therefore, see no merit in these writ petitions.

6. Accordingly, the writ petitions are dismissed at the admission stage itself. No costs. Consequently, the above WMPs are also dismissed.

7. However, in case the District Unit at Vellore proposes to make recruitment once again on temporary basis within the next three years' time span, the case of the writ petitioners may be

considered on sympathetic grounds for such temporary appointment without any promise or scope for subsequent regularization of their services, as they have put in temporary service in the District Unit already once before. The writ petitions are otherwise merit less.

Sd/-  
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

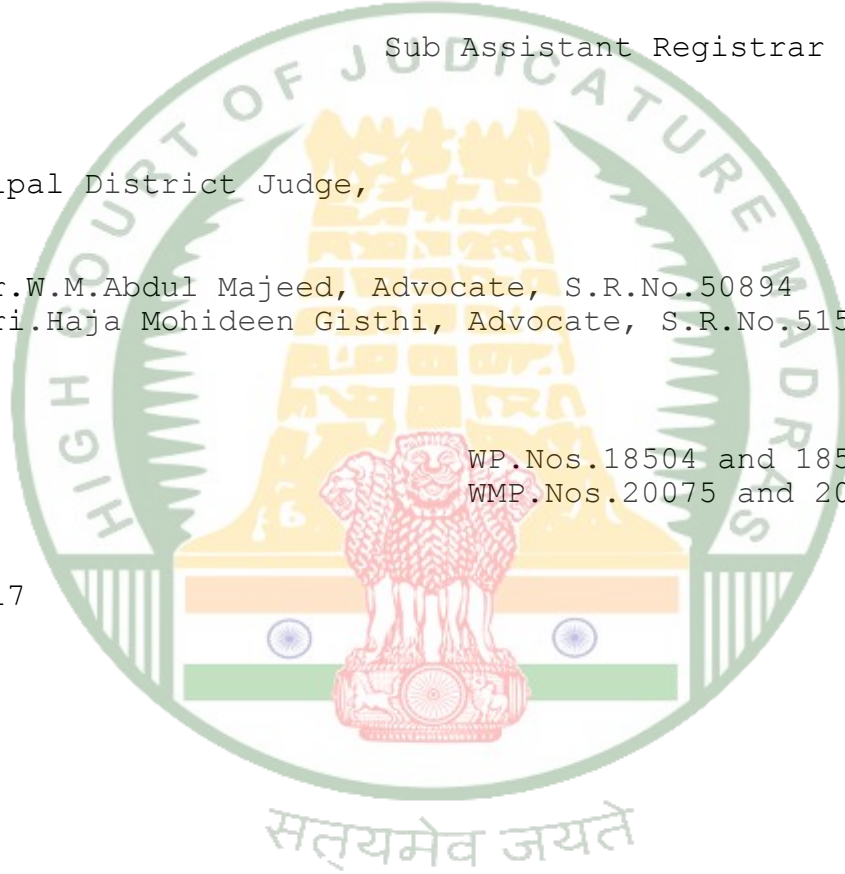
The Principal District Judge,  
Vellore.

+1cc to Mr.W.M.Abdul Majeed, Advocate, S.R.No.50894

+1cc to Sri.Haja Mohideen Gisthi, Advocate, S.R.No.51594

WP.Nos.18504 and 18505 of 2017&  
WMP.Nos.20075 and 20076 of 2017

MP(CO)  
CS/03/08/17



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