

In the High Court of Judicature at Madras

Dated : 28.7.2017

Coram :

The Honourable Mr.Justice NOOTY.RAMAMOHANA RAO

and

The Honourable Mr.Justice M.DHANDAPANI

Writ Petition Nos.19410 to 19419 of 2017 &
WMP.Nos.20931 to 20940 of 2017

Tmt.S.Umamaheswari

...Petitioner in
WP.19410/2017

Tmt.R.Alamelumangai

...Petitioner in
WP.19411/2017

Tmt.D.Selvi

...Petitioner in
WP.19412/2017

Tmt.B.Mallika

...Petitioner in
WP.19413/2017

Tmt.S.Panjaliammal

...Petitioner in
WP.19414/2017

Tmt.A.Jayanthi

...Petitioner in
WP.19415/2017

Tmt.R.Suseela

...Petitioner in
WP.19416/2017

Tmt.N.Indhumathi

...Petitioner in
WP.19417/2017

Tmt.L.Nirmala

...Petitioner in
WP.19418/2017

R.Dhanaraj

...Petitioner in
WP.19419/2017

Vs

1.Government of Tamil Nadu, rep.
By Secretary to Government,
Home (Courts) Department,
Secretariat, Chennai-9.

2.The Secretary to Government,
Personnel & Administrative Reforms
Department, Secretariat, Chennai-9.

3.The Registrar General, High Court,
Chennai-104.

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

...Respondents in
all the WPs

PETITIONS under Article 226 of The Constitution of India praying for the issuance of Writs of Mandamus directing respondents 1 to 3 to consider to absorb the petitioners in the post of Reader/Examiner/Copyist in any existing vacancies or next arising vacancy or any other suitable post in the Tamil Nadu Judicial Subordinate Service by framing a scheme on the lines approved by this Court in its judgment in W.P.Nos.2212 to 2218 of 2017 dated 01.2.2017 and till then not to disturb the temporary appointment of the respective petitioners as (i) Junior Assistant (WP.No.19410 of 2017); (ii) temporary Typist (WP.No.19411 of 2017); (iii) Junior Assistant (WP.No. 19412 of 2017); (iv) temporary Typist (WP.No.19413 of 2017); (v) Junior Assistant (WP.No.19414 of 2017); (vi) Junior Assistant (WP.No.19415 of 2017); (vii) temporary Typist (OD) (WP.No.19416 of 2017); (viii) Steno

Typist (WP.No.19417 of 2017); (ix) temporary Typist (WP.No.19418 of 2017); and (x) Junior Assistant (WP.No.19419 of 2017).

For Petitioners : Sri.J.Muthukumaran
For Respondents 1 & 2 : Sri.P.Sivashanmugasundaram, SGP
For Respondents 3 & 4 : Sri.Haja Mohideen Gisthi

COMMON ORDER

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

Mr.P.Sivashanmugasundaram, learned Special Government Pleader accepts notice for respondents 1 and 2. Mr.Haja Mohideen Gisthi, learned Standing Counsel accepts notice for respondents 3 and 4.

2. All these cases can be disposed of, as a similar issue has been dealt with by a Division Bench of this Court in W.P.Nos.2212 to 2218 of 2017 dated 01.2.2017, to which, one of us (NRRJ) is a Member, in the following terms :

"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 compass. 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 Courts' 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 not a 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:

(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.

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RS

(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. 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."

3. Therefore, the present writ petitions also stand disposed of in the above terms. No costs. Consequently, the above WMPs are also closed.

28.7.2017

Internet : Yes

To

- 1.The Secretary to Government of Tamil Nadu, Home (Courts) Department, Secretariat, Chennai-9.
- 2.The Secretary to Government, Personnel & Administrative Reforms Department, Secretariat, Chennai-9.
- 3.The Registrar General, High Court, Chennai-104.
- 4.The Principal District Judge, Villupuram District, Villupuram.

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