



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBBIAH**

AND

THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

W.A.[MD].Nos.508 and 509 of 2014

and

M.P.(MD)Nos.1 and 2 of 2014

1.The State of Tamil Nadu,
Represented by its Secretary,
Department of Tourism and Cultural,
Secretariat, Chennai.

2.The Commissioner of Tourism,
Department of Tourism,
Tamil Nadu Tourism Complex,
Valajah Road, Chennai-02.

: Appellants/Respondents
in both W.As.

Vs.

1.Mr.M.Pounraj : Respondent No.1 in W.A.(MD)No.508/2014

1.Mr.S.Rengarajan : Respondent No.1 in W.A.(MD)No.509/2014

2.The Commissioner,
(Employment Wing),
Directorate of Employment & Training,
Guindy, Chennai-32.

3.Mr.D.Kamaraj

4.Mr.T.Kannan

5.Mr.N.Anbarasu

6.Mr.Y.Anburose

7.Tmt.N.Nithyakalyani

8.Mr.K.Palanisamy

9.Mr.H.Govindaraj

10.Mr.A.Sankar

11.Mr.R.Ramakrishnan

12.Mr.B.Kathiresan

13.Mr.Senthil K Umar

14.E.Baskaran

: Respondents 2 to 14/Respondents
in both W.As.

COMMON PRAYER: Writ Appeals are filed under Clause 15 of the Letters Patent against the order of a learned Single Judge of this Court dated 16.10.2012, made in W.P.(MD).Nos.10390 and 10391 of 2011 respectively.



Prayer in WP(MD). 10390/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of certiorarified Mandamus, to call for the records pertaining to the impugned orders of appointment in Se.Mu.Aa.No.2866/ma.va.me2/08-1 to Se.Mu.Aa.No.2866/ma.va.me2/08-12 dated 29.01.2011 issued to the respondents No.4 to 15 by the Respondent No.2 and quash the same and consequently to direct the Respondents to make a fresh recruitment to the 12 posts of Assistant Tourism Officer Grade-II permitting the Petitioner to participate in the said recruitment process.

Prayer in WP(MD). 10391/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF CERTIORARIFIED MANDAMUS, to call for the records pertaining to the impugned orders of appointment in Se.Mu.Aa.No.2866/Ma.Va.Me2/08-1 to Se.Mu.Aa.No.2866/Ma.Va.Me2/08-12 dated 29-01-2011 issued to the Respondent No.4 to 15 by the Respondent No.2 and quash the same and consequently to direct the Respondents to make a fresh recruitment to the 12 posts of Assistant Tourism Officer Grade-II permitting the Petitioner to participate in the said recruitment process.

For Appellants : Mr.VR.Shanmuganathan,
in both W.As. Special Government Pleader
For Respondent No.1 : Mr.B.S.Meltiue
in both W.As.
For Respondent No.2 : No Appearance
For Respondents 4,5,7 &14
in W.A. (MD)No.508/2014 and
For R-3 & R-10 in
in W.A. (MD)No.509/2014: Mr.M.Muthugeethaiyan

COMMON JUDGMENT

[Judgment of the Court was delivered by R.SUBBIAH, J.]

These Writ Appeals have been filed as against the order of the learned Single Judge of this Court dated 16.10.2012, made in W.P. (MD).Nos.10390 and 10391 of 2011 respectively.

2. By order dated 16.10.2012, made in W.P. (MD).Nos.10390 and 10391 of 2011, the learned Single Judge has allowed the Writ Petitions filed by the first respondent herein in both the Writ Appeals and quashed the selection of the respondents 4 to 15 therein and a direction was also issued to the respondents 1 to 3 to make a fresh selection for the post of Assistant Tourism Officer Grade-II after due publicity in the leading newspapers, in



addition to calling the names from the Employment Exchange and thereafter, select the persons on merit. Aggrieved over the same, the appellants are before this Court with the present Writ Appeals.

3. Today, when the matter was taken up for consideration, the learned Special Government Pleader appearing for the appellants submitted that in an identical issue, a Division Bench of this Court, by judgment dated 03.11.2015, in W.A.(MD)No.1114 of 2015, has passed the following order:

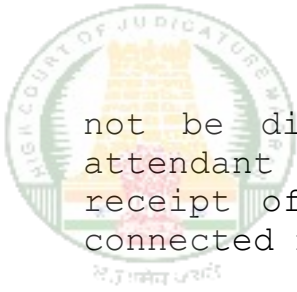
8.Mr.K.Chellapandian, learned Additional Advocate General appearing for the appellants submits that after the judgment of the learned Judge, the Government had started following the practice of inviting the list of candidates from the Employment Exchange and also making paper publication inviting applications from the open market. The Government has no difficulty in following the same practice in future. But only insofar as the recruitment that took place in 2012, 350 persons cannot now be sent out.

9.Considering the limited nature of the grievance and also considering the fact that there was no interim stay of G.O.Ms.No.10, Animal Husbandry and Fisheries (AH.1) Department, dated 27.01.2012 during the pendency of the writ petition, we are of the view that the order of the learned Judge could be modified to a limited extent so that persons who are already appointed pursuant to the order impugned in the writ petition need not be disturbed as they were also not parties before the learned Judge.

10.In view of the above, the writ appeal is disposed of confirming the order of the learned Judge on principle but clarifying that those appointed pursuant to G.O.Ms.No.10, Animal Husbandry and Fisheries (AH.1) Department, dated 27.01.2012 shall not be disturbed. No costs. Consequently, M.P(MD)No.2 of 2015 is closed."

4. By way of the above said order dated 03.11.2015, the Division Bench of this Court modified the order of the learned Single Judge to the extent that persons, who are already appointed pursuant to the order impugned in the Writ Petitions therein, need not be disturbed, as they were also not parties before the learned Judge.

5. Therefore, applying the same yardstick to the case on hand, the Writ Appeals are disposed of and persons already appointed, pursuant to the orders impugned in the Writ Petitions herein need



not be disturbed. The appellants are directed to pay all the attendant benefits, within a period of six weeks from the date of receipt of a copy of this judgment. No costs. Consequently, the connected miscellaneous petitions are closed.

WEB COPY

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary,
State of Tamil Nadu,
Department of Tourism and Cultural,
Secretariat, Chennai.

2. The Commissioner of Tourism,
Department of Tourism,
Tamil Nadu Tourism Complex,
Valajah Road, Chennai-02.

3 **The Commissioner,**
(Employment Wing),
Directorate of Employment & Training,
Guindy, Chennai-32.

+2 cc to **MR.M.MUTHUGEETHAYAN, Advocate SR.No.9068 & 9069**

+1 cc to **Special Government Pleader Sr.No.9228**

**COMMON JUDGMENT MADE IN
W.A. (MD) Nos.508 and 509 of 2014
17.02.2017**

SMA/CM-MSA/2.03.2017:4P/7C