

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2018

CORAM

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

W.A.NO.17 OF 2018
& C.M.P.NO.231 OF 2018

1. The Commissioner,
Department of Employment and Training,
Alandur Road, Guindy,
Chennai - 32.
 2. The District Collector,
Cuddalore.
 3. The District Employment Officer,
Cuddalore.
 4. The Tahsildar,
Tittagudi Taluk, Cuddalore District.
- ... Appellants
- Vs.
- K.P.Jaganathan ... Respondent

This Writ Appeal is filed under clause 15 of the Letters Patent against the order dated 02.08.2012 made in W.P.No.26162 of 2010 on the file of this Court.

W.P.No.26162 of 2010:-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Declaration declaring that the recruitment/selection process initiated by the respondent No.4 in the year 2010 to fill up 25 vacancies of Village Assistants by seeking sponsorship of names from the office of the respondent No.3 alone, pursuant to G.O.Ms.No.429, Revenue, dated 08.08.2007 without making wide publicity by way of advertisement in dailies, notice board, internet, etc., by inviting application from all eligible persons of general public to participate and secure public employment, is illegal, arbitrary and unconstitutional, therefore, violative of Article 14 of the Constitution of India.

(Prayer amended as per order dated 01.08.2012 in M.P.No.1 of 2012)

For Appellant : Mr.Karthikeyan, AGP

For Respondent : No appearance

J U D G M E N T

(Judgment of the Court was delivered by K.K.SASIDHARAN,J.)

The challenge in this intra court appeal is to the order dated 02.08.2012 in W.P.No.26162 of 2010 directing the Government of Tamil Nadu to take immediate steps to fill up the post of Village Assistants by inviting applications from all eligible persons along with the names sponsored by the Employment Exchange.

2. The respondent has filed a Writ Petition in W.P.No.26162 of 2010 for issuance of Writ of a Declaration declaring that the selection process initiated by the appellants for recruitment to the post of Village Assistants by seeking sponsorship from the Employment Exchange alone pursuant to the Government Order in G.O.Ms.No.429, Revenue, dated 08.08.2007 without making wide publicity by way of publication, inviting applications from all eligible persons of general public to participate and secure public employment as illegal, arbitrary, unconstitutional and violative of Article 14 of the Constitution of India.

3. The Government of Tamil Nadu has been recruiting candidates for public employment by taking sponsorship from the Employment Exchange. It was not the practice to call for applications from the public in spite of the direction given by the Honourable Supreme Court in Excise Superintendent, Malkapatnam, Krishna District, A.P. vs. K.B.N.Visweshara Rao & Ors., 1996(6) SCC 216.

4. Before the learned single Judge, it was contended that the practice adopted by the State is unconstitutional and violative of Article 14 of the Constitution of India inasmuch as the zone of consideration is restricted only to the candidates sponsored by the Employment Exchange.

5. The learned single Judge quashed the Government Order in G.O.Ms.No.429, Revenue, dated 08.08.2007 and directed the appellants to issue detailed guidelines in the matter of recruitment to the public service. The said order is under challenge at the instance of the State.

6. The very same order dated 02.08.2012 was challenged by the Director of Employment and Training in W.A.No.1027 of 2013. The said intra Court appeal was dismissed by a Division Bench by judgment dated 09.06.2014.

7. When the appeal is taken up for hearing, learned Additional Government Pleader has produced a copy of the Government Order in G.O.Ms.No.44 Labour and Employment (T2) Department dated 11.03.2015 and submitted that the Government has complied with the direction issued by the learned single Judge.

8. The Government Order in G.O.Ms.No.44 Labour and Employment (T2) Department dated 11.03.2015 indicates that the Government has accepted in principle the direction given by the learned single Judge to call for applications from the general public in addition to the sponsorship from the Employment Exchange. Since the Government has already complied with the direction given by the learned single Judge nothing survives for adjudication in this appeal.

9. The intra Court appeal is dismissed as infructuous taking into account the Government Order in G.O.Ms.No.44 Labour and Employment (T2) Department dated 11.03.2015. No costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sl/tar
To

1. The Commissioner,
Department of Employment and Training,
Alandur Road, Guindy,
Chennai - 32.
2. The District Collector,
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Cuddalore.
4. The Tahsildar,
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+2ccs to M/s.Veeramarthini Advocate, S.R.No.31571
+1cc to Government Pleader, S.R.No.31747

W.A.Nos.17of 2018

KJI (CO)
CS/17/07/18