

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2018

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THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.3686 of 2016

and

W.M.P.Nos.3034 & 3035 of 2016

P.Ramkumar

...Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Tamil Development and Information Department,
Fort St George,
Chennai-600009.

2.The Director,
Information and Public Relations Department,
Fort St George,
Chennai-600009.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the second respondent in Advertisement dated 29.12.2015 published in Dina Thanthi news paper quash the same and consequently direct the 2nd respondent to issue a fresh advertisement by prescribing qualification of Diploma in Film Technology and TV production (Film processing) in accordance with rules framed for the post of Video Cameraman Vide G.O..M.S.No. 6 dated 08.01.1996.

For Petitioner

: Mr.L.P.Maurya

For Respondents

: Ms.A.Shrijayanthy

Spl. Government Pleader.

O R D E R

The recruitment notification issued by the respondents in proceedings dated 29.12.2015 in respect of the qualification of Diploma in Film Technology and TV production (Film Processing) is under challenge in this writ petition.

2. It is not required for this Court to adjudicate the case on merits on the ground raised by the petitioner, in view of the fact that the respondents have stated in their counter affidavit that the qualification prescribed in the aforesaid notification was not taken into account in view of the amendment made in G.O.Ms.No.6, Information and Tourism (ADMN III) Department, dated 08.01.1996 and they have proposed to revise the notification and to issue a fresh notification. In this regard paragraph Nos. 3 and 6 of the counter affidavit filed by the second respondent are extracted here under:-

"3. With regard to the averments made in Paragraphs 6 and 7 of the affidavit, I submit that, The advertisement was issued on 12.07.2015 in Dinathanthi and The New Indian Express for filling up the post of Video Cameraman in the Information and Public Relations Office in Tamil Nadu House, New Delhi as per G.O.(Ms)293, Information and Tourism (ADMN II) Department, Dated 19.11.1991. Due to human mistakes, G.O. (Ms) No.6, Information and Tourism (ADMN III) Department, Dated 08.01.1996 was failed to update. In this connection the Chief Producer, Tamil Nadu Film Division, Chennai didn't offer any remarks or indication about G.O. (Ms) 6, Information and Tourism (ADMN III) Department, Dated 08.01.1996 in his proposal for appointment to Video Cameraman. Therefore, by mistake the Advertisement was published on 12.07.2015 as per G.O.(Ms) No. 293, Information and Tourism (ADMN II) Department, dated 19.11.1991 in which the amendment was not taken into account for filling up the post of Video Cameraman in Information and Public Relations Office in Tamil Nadu House, New Delhi. In this connection, nobody opposed the advertisement dated 12.07.2015 at the time of Video Cameraman post appointment.

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6. It is also submitted that the Government have now decided to republish the fresh revised advertisement as per G.O. (Ms) 6, Information and Tourism (ADMN III) Department, Dated 08.01.1996 i.e. Including the qualification of Diploma in Film Technology and TV Production (Film Processing) for filling up of two vacancies for the post of Video Cameraman."

3. In view of the fact that the respondents have stated that the Government have now decided to republish a fresh revised advertisement as per G.O.Ms.No.6, Information and Tourism (ADMN III) Department, dated 08.01.1996 ie., including the qualification of Diploma in Film Technology and TV production for filling up of two vacancies for the post of Video

Cameraman, this Court is of the opinion that the impugned notification is liable to be set aside, accordingly the impugned notification published in Dina Thanthi news paper dated 29.12.2015, stands quashed. The respondents are directed to issue a fresh notification as per the rules and the Government orders in force for filling up the vacant posts.

4. With this afore said observation, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

tta/rts

To

- 1.The Secretary to Government
State of Tamil Nadu,
Tamil Development and Information Department,
Fort St George,
Chennai-600009.
- 2.The Director,
Information and Public Relations Department,
Fort St George,
Chennai-600009.

+lcc to Mr.L.P.Maurya, Advocate, S.R.No. 71530
+lcc to the Government Pleader, S.R.No. 71553

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GJII(CO)
GN(16/11/2018)

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