



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Tuesday, the Twenty Fourth day of April Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice R.SURESH KUMAR

WMP (MD) No.7347 of 2018

IN

WP (MD) No.7139 of 2018

1 D.YOGANADHAM
2 P.VIVEK SONAI
3 J.GOKULA KRISHNAN
4 A.SARAVANA VIKASH
5 K.S.DINAKARAN
6 P.ABINASH
7 D.RAMKUMAR

... PETITIONERS/ PROPOSED RESPONDENTS 4 TO 10
Vs

1 A.GNANAMANI
2 L.DHARMALINGALM
3 A.SUBRAMANI
4 C.KARTHIKEYAN
5 M.SIVAGAMI
6 A.SADIQ BATCHA
7 N.RATHINASAMY
8 C.KARTHIKEYAN
9 S.KANDHAN
10 A.RAHIMUNISSA
11 B.BALASUBRAMANIAN
12 K.RENGASAMY

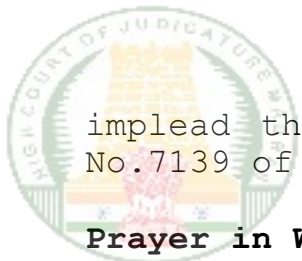
... RESPONDENTS/ WRIT PETITIONERS

13 THE STATE OF TAMIL NADU,
REP. BY ITS SECRETARY TO GOVERNMENT,
HIGHWAYS AND MINOR PORTS DEPARTMENT,
ST.GEORGE FORT, CHENNAI 9

14 THE MEMBER SECRETARY,
TAMIL NADU PUBLIC SERVICE COMMISSION,
NO.3, FRAZER BRIDGE ROAD, V.O.C. NAGAR,
PARK TOWN, CHENNAI 3

15 THE DIRECTOR GENERAL (HIGHWAYS)
HIGHWAYS DEPARTMENT,
SARDAR PATEL ROAD, HRS CAMPUS,
GUINDY, CHENNAI 25

... RESPONDENTS/ RESPONDENTS



implead the petitioners as respondents, namely 4 to 10 in WP(MD) No.7139 of 2018.

Prayer in WP(MD) No.7139 of 2018

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned notification published by the 2nd respondent in Notification No.05/2018 dated 28.02.2018 in so far as direct recruitment for the posts of Assistant Engineer (Civil) in Highways Department (Post Code No.1661) (Sr.No.4) in the notification and quash the same as illegal and consequentially to direct the respondents to rectify the ration imbalance and notify afresh for the recruitment of Assistant Engineer (Civil) in Highways Department without exceeding the cadre strength fixed in terms of Draft recruitment Rule framed by the 1st respondent in G.O.Ms.No.82 Highways & Minor Ports Department dated 08.05.2012 within the period that may be stipulated by this Hon'ble Court.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.S.M.ANANTHA MURGUAN, Advocate for M/S.A.KANNAN, Advocate for the petitioner and of Mrs.S.Srimathy, Special Government Pleader for R13 & R14 and Mr.K.K.Senthil, Advocate for R14, the court made the following order:-

These petitioners, with a prayer of impleading themselves in this Writ Petition as a party respondents, have moved this petition.

2.I have perused the reasons assigned in the affidavit filed in support of this petition and also heard the learned representing counsel appearing for the petitioners.

3.The issue raised in this Writ petition is as to whether the Government is going to take a decision for making amendment in Rule 18(a) of the Special Rules to Tamil Nadu Highways Engineering Service and if such amendment is made, what would be the effect of such amendment.

4.Since it is purely an issue, which can be resolved based on the input to be supplied by the Government, who are already the official respondents in this Writ petition and pursuant to the order of this Court dated 10.04.2018, on behalf of the first respondent, a statement has been filed, by which, they stated that within four months, a decision would be taken to amend such Rule, the petitioners cannot have any grievance over the issue raised in this writ petition.

5.Since these petitioners claimed to be the applicants before the Tamil Nadu Public Service Commission to participate in the proposed competitive examinations and the said process is not in anyway hindered or affected because of filing of this Writ petition.



6. In view of the above, these petitioners, in the opinion of this Court, are unnecessary parties to this proceedings. Hence, this petition is dismissed.

sd/-

24/04/2018

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE SECRETARY TO GOVERNMENT,
STATE OF TAMIL NADU
HIGHWAYS AND MINOR PORTS DEPARTMENT,
ST.GEORGE FORT, CHENNAI 9
- 2 THE MEMBER SECRETARY
TAMIL NADU PUBLIC SERVICE COMMISSION,
NO.3, FRAZER BRIDGE ROAD, V.O.C. NAGAR,
PARK TOWN, CHENNAI 3
- 3 THE DIRECTOR GENERAL (HIGHWAYS),
HIGHWAYS DEPARTMENT, SARDAR PATEL ROAD,
HRS CAMPUS, GUINDY, CHENNAI 25.

ORDER
IN
WMP (MD) No.7347 of 2018
IN
WP (MD) No.7139 of 2018
Date :24/04/2018

MKV-CM-VR-GSR/4.5.2018/3P-4C