



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2018

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MRS.JUSTICE R.HEMALATHA**

W.P(MD)No.6277 of 2017

R.Silambaraj

... Petitioner

Vs.

1. The Home Secretary,
Home Department,
St. George Fort, Chennai - 9.

2. The Registrar (General),
Hon'ble High Court of Madras,
Chennai - 104.

3. The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road, V.O.C Nagar,
Park Town, Chennai - 600 003.

4. The State Commissioner for the
Differently Abled (FAC),
State Commissionerate for the Differently Abled,
Chennai - 05.

... Respondents

(R - 4 is suo motu impleaded vide order,
dated 28.08.2017 in W.P(MD)No.6277 of 2017)

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to consider the representation, dated 24.02.2017 and further to direct the respondents to take necessary steps to conduct the examination for Civil Judges selection at the earliest in the Judiciary of lower Courts of Tamil Nadu.

For Petitioner : Mr.V.Rajiv Rufus
For RR 1 & 4 : Mr.A.K.Baskara Pandian,
Special Government Pleader.
For R - 2 : Mr.N.Tamil Mani

For R - 3 : Mr.K.K.Senthil

**ORDER**

(Order of the Court was made by M.SATHYANARAYANAN, J.)

By consent, the Writ Petition itself is taken up for final disposal.

2.The petitioner is an practicing Advocate and came forward to file this Writ Petition as a 'Public Interest Litigation', directing the respondents to take necessary steps to conduct the examination for recruitment of Civil Judges (at the earliest) and further prayed for disposal of the representation, dated 24.02.2017 submitted in that regard.

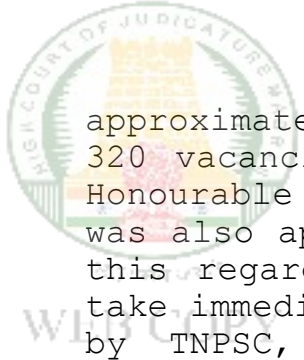
3.The Writ Petition was entertained on 10.04.2017 and thereafter, the matter was adjourned several times for filing counter/status report, especially with regard to the reservation of 4% of the vacancies in direct recruitment for the identified posts in A and B Groups for differently abled persons.

4.The Registrar (General) has filed a status report, dated 15.12.2017. A perusal of the same would disclose among other things that the Tamil Nadu State Judicial Service (Cadre and Recruitment) Rules, 2007, was approved by the Honourable Chief Justice. Thereafter, it was ordered to be circulated to the Full court and the majority of the Honourable Judges had approved to the proposed amendment and therefore, it was directed to the Government for issuance of notification.

5.It is brought to the knowledge of this Court that the Welfare of Differently Abled Persons (DAP.3.2) Department in G.O.Ms.No.52, dated 28.12.2017, had decided to make the following amendments in respect of reservation in appointment for the post of Civil Judge/District Judge (entry level) for Differently Abled Persons and it is relevant to extract the same as under:-

Sl.No.	Service	Name of the Post	Suitability of categories of disability for the post (with or without assistance and for assistive device)
1.	Tamil Nadu State Judicial Service	Civil Judge and District Judge (entry level) (Group 'A')	LV/HH/OA/OL/BL/LCDF/AC

6.The said status report would further reveal that the



approximate vacancies in the cadre of Civil Judges is worked out to 320 vacancies and the files were also circulated to the concerned Honourable Committee and their Administer on 06.11.2017 and the same was also approved by the Honourable Chief Justice on 09.11.2017. In this regard, the Secretary, TNPSC, Chennai, was also addressed to take immediate steps to prepare a draft Notification to be published by TNPSC, inviting applications for filling up of about 320 vacancies in the cadre of Civil Judges in the Tamil Nadu State Judicial Service, vide D.O.Letter No.80/2006-Con.B.1., dated 15.12.2017. The said report also indicate the time frame as per which (a) the draft notification to be published inviting applications for the cadre of Civil Judges be ready by second week of December, 2017 and (b) the preliminary examination shall be conducted before the end of February, 2018. The report also states that the Government have also been addressed to issue a Notification vide High Court's D.O.Letter No.80/2006-Con.B.1., dated 15.12.2017 and the response is awaiting.

7.The Secretary, Tamil Nadu Public Service Commission, Chennai-the third respondent has filed the counter affidavit, dated 15.11.2017, wherein it has been stated among other things that recently the Government has sent a proposal for amending the Rule governing the appointment to the post of District Judge and Civil Judge seeking their views and the Commission has also communicated this views to the Government, vide letter dated 20.07.2017 and only after the estimated vacancies are furnished to the Commission, the process of recruitment will be started with issuance of their Notification.

8.In the light of the status report filed by the second respondent, dated 15.12.2017, no further orders are necessary, as this Court is fully satisfied with the necessary effective steps had already been taken to fill up the vacancies in the category of Civil Judge (Junior Division). However, in the light of the fact that necessary amendment is yet to be carried out, this Court directs the first respondent to act on the communication of the High Court's D.O.Letter No.80/2006-Con.B.1, dated 15.12.2017 and effect amendments as suggested, within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the High Court, Madras. The said G.O.Ms.No.52, Welfare of Differently Abled Persons (DAP.3.2) Department, dated 28.12.2017, is taken on file and the same is recorded.

9.The Writ Petition stands disposed of accordingly. No costs.

Sd/-
Assistant Registrar (CO)

/True Copy/



To

1. The Home Secretary to Government of Tamil Nadu,
Home Department,
St. George Fort,
Chennai - 9.
2. The Registrar General,
Hon'ble High Court of Madras,
Chennai - 104.
3. The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road, V.O.C Nagar,
Park Town,
Chennai - 600 003.
4. The State Commissioner for the
Differently Abled (FAC),
State Commissionerate for the Differently Abled,
Chennai - 05.

Copy To:-

The Additional Registrar General,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.K.K.SENTHIL, ADVOCATE IN SR No. 43289
+ 1 CC TO Mr.V.RAJIV RUFUS, ADVOCATE IN SR No. 43045

PS/VSG

TE/KKR/SAR-1 : 25/01/2018 : 4P/8C

W.P (MD) No. 6277 of 2017
22.01.2018