



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.10.2018

CORAM

WEB COPY

THE HON'BLE MR. JUSTICE M.M.SUNDRESH
and
THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

W.A. (MD) No.1092 of 2018
and C.M.P. (MD) No.7829 of 2018

1.D.Yoganandham
2.P.Vivek Sonai
3.J.Gokula Krishnan
4.A.Saravana Vikash
5.K.S.Dinakaran
6.P.Abinash
7.D.Ramkumar

... Appellants/Petitioners
/Proposed respondents 4 to 10

Vs.

1.A.Gnanamani
2.L.Dharmalingam
3.A.Subramani
4.C.Karthikeyan
5.M.Sivagami
6.A.Sadiq Batcha
7.N.Rathinasamy
8.C.Karthikeyan
9.S.Kandhan
10.A.Rahimunnisa
11.G.Balasubramanian
12.K.Rengasamy

... Respondents 1 to 12/Respondents 1 to 12
/Writ Petitioners

13.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Highways & 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,

<https://hcservices.ecourts.gov.in/hcservices/>
Guindy, Chennai - 25. .. Respondents 13 to 15/Respondents 13 to 15/
Respondents



Writ Appeal is preferred under Clause 15 of the Letters Patent against the order dated 24.04.2018 passed in W.M.P.(MD)No.7347 of 2018 in W.P.(MD) No.7139 of 2018.

Prayer in WP(MD). 7347/ 2018 :

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

Prayer in WP(MD). 7139/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court 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 and minor ports Department dated 8.05.12 within the period that may be stipulated by this Hon'ble Cout.

For Appellant : Mr.A.Kannan

For Respondents 1 to 12 : M/s.Ajmal Associates

For Respondents 13 to 15: Mrs.S.Srimathy
Special Government Pleader

J U D G M E N T

[Judgment of the Court was delivered by M.M.SUNDRESH, J.]

This Writ Appeal has been filed against the order of the learned Single Judge, who was pleased to dismiss the application filed by the appellants seeking to implead them as party respondents.

2.The learned counsel appearing for the appellants would submit that the appellants are aggrieved in the event of writ petition being allowed. They also filed a writ petition touching upon the same issue by challenging the Rule, which the writ petitioners are relying upon.

3.The learned counsels appearing for the respondents 1 to 12 would submit that there is no need to implead the appellants as party respondents.

4.Under Article 226 of the Constitution of India what is required to be seen is a possible injury to a person in the event of any order is being passed. The power under Article 226 of the



Constitution of India cannot be clubbed with the procedure contemplated under the Code. The facts submitted by the appellants is not disputed. If the writ petition is allowed certainly the appellants would be affected.

5. In such view of the matter, this Writ Appeal stands allowed. The order of the learned Single Judge dated 24.04.2018 passed in W.M.P.(MD)No.7347 of 2018 stands set aside and W.M.P.(MD)No.7347 of 2018 stands allowed. Consequently, connected C.M.P.(MD) No.7829 of 2018 stands closed. No costs. Registry is directed to carry out necessary amendment and list the Writ Petition (MD) No.7139 of 2018 for hearing on 19.11.2018.

6. The learned Special Government Pleader appearing for the respondents 13 to 15 would submit that the recruitment process is pending. Hence, this Court directs that after getting necessary orders from this Court final decision will have to be taken by the Government.

Sd/-
Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar(CS-II)

sj
To

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Highways & 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

+1cc to M/s.Ajmal Associates, Advocate in SR No.93320

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