



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD)Nos.1545 and 3821 of 2013
and
W.M.P.(MD)Nos.2 and 2 of 2013

N.Vivekananda Sankaran

... Petitioner in W.P.(MD)No.1545 of 2013

S.Annadurai

... Petitioner in W.P.(MD)No.3821 of 2013

Vs.

1.State of Tamil Nadu rep by its
Additional Chief Secretary to Government,
Planning Development and Special Initiatives Department,
Fort St. George Chennai-600 009.

2.The Principal Secretary and Director,
Directorate of Economic and Statistics,
DMS Compound, College Road,
Chennai-600 006.

3.The Secretary,
Tamil Nadu Public Service Commission,
No.3, Frazer Bridge Road,
VOC Nagar, Park Town,
Chennai 600 003.

... Respondents in both W.Ps.

Common Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records relating to the Notification issued by the third respondent in Notification No.1/2013 dated 10.01.2013 and quash the same in so far as quantification of number of vacancies to the post of Assistant Director of Statistics as 51.

For Petitioner : Mr.G.Sankaran
(in both W.Ps.)
For R1 and R2 : Mr.R.Sethuraman
Special Government Pleader

For R3 : Mr.K.K.Senthil
(in both W.Ps.)

**COMMON ORDER**

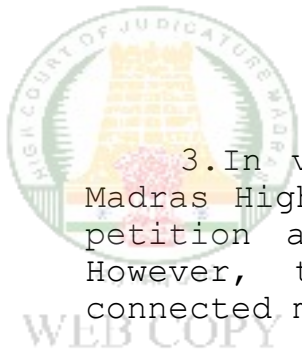
The relief sought for in these writ petitions is to call for the records relating to the notification issued by the third respondent in Notification No.1/2013 dated 10.01.2013 and quash the same insofar as quantification of number of vacancies to the post of Assistant Director of Statistics as 51.

2.The learned counsel appearing on behalf of the Tamil Nadu public Service Commission states that the issue was already settled by the Principal Bench of Madras High Court in W.P.(MD)No.3742 and 7052 of 2013, dated 13.03.2015 and the order passed by the Court is extracted hereunder:-

"4.When the writ petitions were taken up for consideration the learned Additional Government Pleader produced a copy of the letter dated 9 February 2015 sent by the Principal Secretary to Government to the Tamil Nadu Service Commission. The Government requested the Service Commission to restrict the number of vacancies earmarked for direct recruitment for the years from 2000-2001 to 2013-2014 as 23 as against 51 vacancies notified. The relevant paragraph reads thus:

"4.In this connection, I am to state that the proportion of all vacancies in the category of Assistant Director of Statistics to be filled or reserved to be filled between the methods of Recruitment by Transfer and Direct Recruitment implies that the percentage of direct recruitment is to be 20% of the total cadre strength of Assistant Director. The present total cadre strength for the post of Assistant Director of Statistics is 114 (permanent 82 & Temporary 32). 20% of 114 posts works out of 23 posts. When vacancies of each year are cumulated and recruitment is done with a lag, the number of direct recruits far exceeds 20% of the total cadre strength of Assistant Directors. Assistant Directors of Statistics recruited through direct recruitment at any point even after carry over and culmination of vacancies cannot exceed this number. Hence, it has been decided to restrict the number of vacancies earmarked for Assistant Director of Statistics through direct recruitment for the years from 2000-2001 to 2013-2014 as "23" as against the already vacancies notified as "51".

5.The Government have now made it very clear that only 20% of the total cadre strength of Assistant Director of Statistics would be filled up through direct recruitment. The Government have adjusted the vacancies in such a manner that direct recruitment would not exceed more than 20%. In view of the decision now taken by the Government nothing survives of adjudication in these writ petitions."



3. In view of the above judgment of the Principal Seat of the Madras High Court, no further adjudication is required in this writ petition and accordingly, the writ petitions stand disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

1. The Additional Chief Secretary to Government,
State of Tamil Nadu,
Planning Development and Special Initiatives Department,
Fort St. George Chennai-600 009.

2. The Principal Secretary and Director,
Directorate of Economic and Statistics,
DMS Compound, College Road,
Chennai-600 006.

+1CC TO M/S.K.K.SENTHIL, ADVOCATE, SR NO.52066

W.P. (MD) Nos. 1545 and 3821 of 2013
and

W.M.P. (MD) Nos. 2 and 2 of 2013
28.02.2018

rmi

MS/SV-MMS/SAR-1/21.03.2018/3P.4C