

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.19501 of 2019
and
W.M.P.Nos.18986 and 18987 of 2019

D.Thirumalai Adithyan ... Petitioner
Vs.

1. The State of Tamil Nadu,
Rep. by Secretary to Government,
Home (Court) Department,
Fort St.George,
Chennai-600 009.
2. The Registrar (General),
High Court Madras,
Chennai-600 104. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the second respondent in his proceedings No.R.O.C.No.49496-G/JRC-I/2019 and R.O.C.No.77636-A/2018/C3, dated 20.06.2019 and quash the same and consequently direct the respondents to conduct the selection process as per order passed by this Court in W.P.No.6378 of 2019 (batch), dated 30.04.2019.

For petitioner : Mr.S.Krishnan

For respondents : Mr.V.Shanmuga Sundar, Spl.G.P. for R-1
Mr.B.Vijay for R-2

ORDER

(The Order of the Court was made by R.Subbiah, J)

The petitioner has filed the present Writ Petition praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the second respondent in his proceedings No.R.O.C.No.49496-G/JRC-I/2019 and

R.O.C.No.77636-A/2018/C3, dated 20.06.2019 and quash the same and consequently direct the respondents to conduct the selection process as per the order passed by this Court in W.P.No.6378 of 2019 (batch), dated 30.04.2019.

2. The case of the petitioner as culled out from the affidavit filed in support of the Writ Petition, is as follows:

(a) The District Court, Chennai, invited recruitment from general public for various posts like Assistant, Typist. The petitioner applied for the post. While so, the petitioner came to know that all the recruitment process had been taken by the Principal District Judges of the concerned District and the State Government also facilitated and passed a Government Order in G.O.Ms.No.2121, Home (Courts-I) Department, dated 25.10.2018.

(b) While so, the petitioner came to know that a Division Bench of this Court had passed order in W.P.No.6378 of 2018, etc., batch, dated 30.04.2019, wherein, the District Judges and all other appointing authorities of the Judicial Department across the State were directed to fill up the vacant posts on or before 16.07.2019 and a report of compliance shall be filed before the Registry of this Court on 17.07.2019 for onward transmission to the Supreme Court. In the said batch of cases, the Registrar General was directed to monitor the process of selection to ensure that the entire process is completed within the outer time limit prescribed by the Supreme Court.

(c) That being so, all of a sudden, the second respondent-Registrar General of this Court had issued an Official Memorandum in R.O.C.No.49496-G/JRC-I/2019 and R.O.C.No.77636-A/2018/C3, dated 20.06.2019, instructing all the Appointing Authorities/Principal District Judges/Unit Heads/Chief Judicial Magistrates in the State of Tamil Nadu to defer all further proceedings in the recruitment process initiated and await further instructions from this Court. It is the grievance of the petitioner that the second respondent's said Official Memorandum unanimously closed the selection process. Hence, the petitioner has filed the above Writ Petition for the relief stated supra.

3. When the Writ Petition is taken up for consideration, Mr.B.Vijay, learned counsel appearing for the second respondent-Registrar General of this Court, submitted that by the impugned Official Memorandum, dated 20.06.2019, the Registrar General had instructed all the appointing authorities/Principal District Judges/Unit Heads/Chief Judicial Magistrate in the State of Tamil Nadu to defer all further proceedings in the recruitment process initiated and await further instructions from this Court. Even where examinations had been conducted or Viva Voce conducted, the same was also directed to be deferred.

4. The learned counsel appearing for the second respondent-Registrar General further submitted that now that the Selection and Appointment Committee had passed a Resolution 08.07.2019 to

secure Centralised Recruitment, which is only to facilitate the recruitment process throughout the State. He further submitted that since the above Resolution is an administrative action, the same cannot be questioned in this Writ Petition. Moreover, the petitioner had only applied for the relevant post and he is not a selected candidate and that will not give him any right to file this Writ Petition. The learned counsel appearing for the second respondent-Registrar General had further submitted that the petitioner has no locus-standi to question the impugned recruitment process.

5. Though very many contentions have been raised in this Writ Petition, the Writ Petition is liable to be dismissed on the short ground of locus-standi of the petitioner in filing this Writ Petition. Mere applying for the relevant post will not confer him any right to challenge the entire process of selection. Accordingly, the Writ Petition is dismissed. No costs. Consequently, W.M.Ps. are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1 The Secretary to Government,
State of Tamil Nadu,
Home (Court) Department,
Fort St.George,
Chennai-600 009.

2.The Registrar General,
High Court of Madras,
Chennai-600 104.

+lcc to Mr.S.Krishnan, Advocate, S.R.No.60470
+lcc to the Government Pleader, S.R.No.61308

W.P.No.19501 of 2019

RK(CO)

RRS (25/07/2019)