



BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT

DATED : 26.07.2019

CORAM:

THE HONOURABLE Dr. JUSTICE VINEET KOTHARI
AND
THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.A. (MD) No. 67 of 2011
and
M.P. (MD) No. 2 of 2011

R.Roshini

.. Appellant/Petitioner

Vs.

1.The State of Tamil Nadu,
Rep.by its Secretary to Government,
Tamil Nadu Development Religious Endowment and
Information Department,
Fort St.George,
Chennai 600 009.

2.The Commissioner,
HR & CE Department,
Nungampakkam High Road,
Chennai - 34.

3.The Tamil Nadu Public Service Commission,
Rep.by its Secretary,
Anna Salai,
Chennai 625 002.

.. Respondents

PRAYER: Appeal filed under Clause 15 of Letters Patent Act, against the order dated 28.04.2010 passed by the learned Single Judge of this Court in W.P.(MD)No.689 of 2010.

Prayer in WP(MD). 689/ 2010 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF DECLARATION, declaring that the Rule 2(a) of Special Rules in the Tamil Nadu Hindu Religious and Charitable Endowment Administration Service as amended by G.O.Ms.No.335 Tamil Development Religious Endowments and Information Department, dated 09-11-2009 issued by the first respondent read with the notification dated 20-12-2009 issued by the third respondent vide advertisement No.223 for the post of Assistant Commissioner in H.R.&C.E. Administration Department as unconstitutional in so far as it excludes the Assistants/Junior Assistant having service of not less than 6 years from participating in the direct recruitment process for the post of



Assistant Commissioner in the said department and consequently permit the petitioners to participate in the examination to be held pursuant to the impugned notification.

For Appellant :: Mr.I.Irulappan

For Respondents :: Mr.N.Shanmugaselvam, Spl.G.P.

JUDGEMENT

(Judgement of the Court was delivered by Dr.VINEET KOTHARI,J.)

Heard the learned counsels on either side.

2.The appellant had challenged the eligibility criteria for being appointed on the post of Junior Assistant, for which, the direct recruitment was undertaken by the respondents in the year 2009. The Learned Single Judge dismissed the Writ petition, in which, the challenge was made to G.O.Ms.No.335, Tamil Nadu Development, Religious Endowments and Information (RE 2-2) Department, dated 09.11.2009 holding, that the appellant belongs to different category, whereas the eligibility for the promotion to the said post did not include the cadre.

3.Admittedly, after the said promotion process undertaken in the year 2009, ten years have passed by now and the learned counsel for the appellant has also informed the Court that the appellant is now working as Executive Officer, which cadre is eligible for being considered for promotion to the post Assistant Commissioner.

4.In view of this, we do not find any useful purpose will be served in deciding the question academically in the present case of the appellant and in our opinion, the present Writ Appeal has become infructuous. Accordingly, the Writ Appeal is dismissed as infructuous. No costs. Consequently, connected M.P.is closed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Secretary to Government,
Tamil Nadu Development Religious Endowment and
Information Department,
Fort St.George,
Chennai 600 009.



2.The Commissioner,
HR & CE Department,
Nungampakkam High Road,
Chennai - 34.

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3.The Secretary,
Tamil Nadu Public Service Commission,
Anna Salai,
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