



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) No.1896 of 2018 and
WMP(MD).No.2063 of 2018

A. Marimuthu Pandian

... Petitioner

-Vs-

1.The Secretary,
The Tamil Nadu Public Service Commission,
O/o. The Tamil Nadu Public Service Commission Office,
Chennai - 3.

2.The Inspector General of Registration,
Santhom High Road,
Chennai.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus direct the respondents to appoint the petitioner as Assistant in the Registration Department in conformity with the provisional selection order issued by the first respondent dated 10.02.2014, within a period that may stipulated by this Court.

For Petitioner : Mr.H.Mohamed Imran

For R1 : Mr.D.Sivaraman

For R2 : Mr.M.Murugan

ORDER

Since the petitioner was not served with appointment order as Assistant in the Registration Department in conformity with the provisional selection order issued by the first respondent, dated 10.02.2014, the petitioner has come forward with the present petition.

2. According to the petitioner, due to matrimonial dispute, his wife lodged a complaint against him, due to which, the petitioner has not been given appointment order. The representation given by him in this regard has also not been considered by the respondents so far. Hence, this Writ Petition.



3. Upon notice, the first respondent filed a counter affidavit, wherein at paragraph Nos.6 and 8 it has been stated as follows:

"6. It is further submitted that the Collector, Virudhunagar District was requested to state the details of punishment awarded to him, if any, and also the details of disciplinary cases pending if any and the stage of criminal case registered against him to decide the petitioner's selection.

8. It is submitted that, the orders exonerating the petitioner from the criminal case have not been received, from the petitioner. As and when the outcome of the criminal case is known, the Commission will take a suitable decision of the admissibility of the candidature or otherwise and on the confirmation or otherwise of the provisional selection of the petitioner."

4. The learned counsel appearing for the petitioner submitted that the Sub Court, Aruppukottai, has already granted divorce to the petitioner and hence, there is no bar for granting appointment order to the petitioner. Further, the dispute between the parties is only a private dispute. In support of his contention, the learned counsel relied on the Judgment of the Hon'ble Supreme Court reported in **2016 (8) SCC 471 (Avtar Singh Vs. Union of India and others)**.

5. Reiterating the averments made in the counter affidavit, the learned counsel for the first respondent made his submissions.

6. I have heard the learned counsel appearing on either side and perused the materials available on record.

7. On a perusal of the order passed by the Court below in HMOP.Nos.107 and 90 of 2013, it is seen that the petitioner's wife was willing to live with the petitioner. In such circumstances, the criminal proceedings initiated by the petitioner's wife against the petitioner will not have any bar on the subject matter in issue. Further, the Court below has already granted divorce to the petitioner.

8. Hence, considering the submissions made by the learned counsel appearing on either side and also having regard to the facts and circumstances of the case, this Court directs the respondents to pass appropriate orders, on the representation of the petitioner dated 15.12.2017, meeting out the requirements of the petitioner, within six weeks from the date of receipt of a copy of this order.



9. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

WEB COPY

Sd/-

Assistant Registrar (Crl.side)

/ True Copy /

Sub Assistant Registrar(CS)

trp

To:

1.The Secretary,
The Tamil Nadu Public Service Commission,
O/o. The Tamil Nadu Public Service Commission Office,
Chennai - 3.

2.The Inspector General of Registration,
Santhom High Road, Chennai.

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-59759[F] dated 09/04/2019)
+1 CC to M/s.AJMAL ASSOCIATES,Advocate(SR-59867[F] dated 09/04/2019)
+1 CC to M/s.SPL GP(SR-59883[F] dated 09/04/2019)

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ES/13.05.2019/3P/6C