



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 10.07.2019
CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

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W.P. (MD) .No.6995 of 2015
and
MP (MD) No.2 of 2015
and
WMP. (MD) .Nos.1159 and 1227 of 2016

R.Arumuganainar

... Petitioner

-Vs-

1. The Government of Tamil Nadu,
Rep. by its Chief Secretary,
Fort St. George, Chennai.
2. The Director of Employment and Training,
Guindy, Chennai-32.
3. The District Employment Officer,
Tirunelveli District, Tirunelveli-627 009. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the proceedings of the impugned G.O(MS) No.44, dated 11.03.2015 on the file of the 1st respondent and quash the same.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.S.Dhayalan
Government Advocate

ORDER

The Government Order issued in G.O.Ms.No.44, Labour and Employment Department, dated 11.03.2015 is under challenge in the present writ petition.

2.The impugned Government Order was issued in implementation of the orders of the Hon'ble Division Bench of this Court dated 09.06.2014 in Writ Appeal No.1027 of 2013. The order impugned is very clear that the order impugned clarifies the same in paragraph Nos.4,5,6 and 7 which are all extracted hereunder:-



2013 and M.P.No.1 of 2013 against the aforesaid Order, dated 02.08.2012 in W.P.No.26162 of 2010 and M.P.No.1 of 2010.

5. In the High Court Judgment 5th read above, the Hon'ble High Court has dismissed the Writ Appeal filed by the Director of Employment and Training, reiterating that posts should be filled up by issuing advertisement in atleast 2 newspapers out of which one must be in vernacular language having wide circulation in the respective State, apart from calling for list from the Employment Exchange in order to comply with Articles 14 and 16 of the Constitution of India and ordered that "Registry is directed to forward the copy of the judgment forthwith to the Chief Secretary to the Government of Tamil Nadu, who in turn directed to circulate the copy of the judgement to all the Secretaries of various departments, for strict compliance".

6. In the letter 6th read above, the Director of Employment and Training has requested the Government to issue suitable orders on the implementation of judgment of the Hon'ble High Court of Madras in Writ Appeal No.1027 of 2013 and M.P.No.1 of 2013 dated 09.06.2014 against the order dated 02.08.2012 in W.P.No.26162 of 2010 and M.P.No.1 of 2010.

7. The Government have examined this issue in detail. After careful examination, the Government have decided to implement the judgment of the Hon'ble High Court in W.A.No.1027 of 2013 and M.P.No.1 of 2013, dated 09.06.2014 (W.P.No.26162 of 2010 and M.P.No.1 of 2010). Accordingly all the Additional chief Secretaries/Principal Secretaries/Secretaries of the Departments of Secretariat are directed to adhere to the judgment delivered in the W.A.No.1027 of 2013 and M.P.No.1 of 2013, dated 09.06.2014 (W.P.No.26162 of 2010 and M.P.No.1 of 2010) while filling up the posts under their control."

3. In view of the fact that the impugned order has been passed pursuant to the orders of the Hon'ble Division Bench of this Court dated 09.06.2014, this Court is of the considered opinion that the present writ petition cannot be entertained.

<https://hcservices.ecourts.gov.in/hcservices/>

4. Thus, the Writ Petition is devoid of merits and stands



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dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Chief Secretary,
Government of Tamil Nadu,
Fort St. George, Chennai.
2. The Director of Employment and Training,
Guindy, Chennai-32.
3. The District Employment Officer,
Tirunelveli District, Tirunelveli-627 009.

+1 CC to Special Government Pleader (SR-74756[F] dated 11/07/2019)

W.P. (MD) .No.6995 of 2015
10.07.2019

sjj/am
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