



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P.[MD]No.23098 of 2019

WEB COPY

A.Veeraselvam

: Petitioner

Vs.

The Principal District Judge,
Madurai - 625 020.
Madurai District.

: Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the respondent vide proceedings NIL dated 17.09.2019 and quash the same as illegal and consequentially to direct the respondents to consider the petitioner for promotion through recruitment by transfer to the post of Junior Assistant / Typist / Senior Bailiff in accordance with the provisions of the Tamil Nadu Judicial Ministerial Service Rules, within the period that may be stipulated by this Court.

For Petitioner : Mr.Mohammed Imran for
M/s.AJMAL ASSOCIATES,
For Respondent : Mr.G.Thalaimutharasu

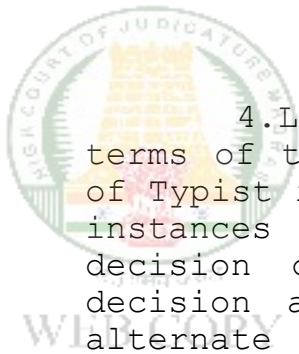
O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

By consent of both parties, the Writ Petition is taken up for disposal at the admission stage itself.

2.Heard Mr.Mohammed Imran, learned Counsel appearing on behalf of the petitioner and Mr.G.Thalaimutharasu, learned Counsel appearing on behalf of the respondent.

3.The petitioner is aggrieved by the proceedings of the Principal District Judge, Madurai, dated 17.09.2019, by which the representation given by the petitioner to promote him as Junior Assistant / Typist / Senior Bailiff, was returned, stating that as per Rule 21 of the Tamil Nadu Judicial Ministerial Service Rules [hereinafter referred to as 'the Act'], recruitment to the said posts can be done only by competitive examination conducted by the Tamil Nadu Public Service Commission.



4.Learned Counsel for the petitioner would submit that in terms of the provisions of the said Rules, promotion from the post of Typist is one of the process of recruitment and there are several instances where such promotions have been granted. Admittedly, the decision of the Principal District Judge is an administrative decision and as against which, the petitioner has an effective alternate remedy of filing an appeal before the High Court which will be decided by the Hon'ble Committee and orders will be communicated in the name of the Registrar General.

5.In our considered view, the petitioner should not bypass the said remedy as it is an efficacious remedy. Therefore, we dispose of this writ petition by directing the petitioner to file an appeal before the High Court within 15 days from the date of receipt of a copy of this order and if the appeal is filed, the same shall be numbered and disposed of as expeditiously as possible. Registry is directed to return the original impugned communication to the petitioner. However, there shall be no order as to costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

MR

To

The Principal District Judge,
Madurai - 625 020.
Madurai District.

Copy to:

The Section Officer,
English Record Section,
Madurai Bench of Madras High Court,
Madurai

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-96159[F] dated 05/11/2019)

+1 CC to MR.G.THALAIMUTHARASU, Advocate (SR-95997[F] dated 05/11/2019) Order made in

W.P. [MD]No.23098 of 2019

Dated: **04.11.2019**

MK (05.12.2019) 2P 5C

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