

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 26.02.2021
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.14947 of 2020
and
W.M.P.No. 18584 of 2020

1.C.Michael Gerald
2.C.Kannan
3.K.Mathivanan
4.G.Sivacaumi
5.G.Shanmuganathan
6.B.Janaki
7.M.Revathi
8.K.G.Devachandiran Petitioners

..Vs..

1.State of Tamil Nadu,
Rep. by Secretary to Government
Home Department,
Fort St. George, Chennai - 600 009.
2.Tamil Nadu Public Service Commission,
Rep. by Member Secretary,
TNPSC Road,
Park Town, Chennai - 600 003. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to publish the final selection list for the Post of Assistant Public Prosecutor Grade - II pursuant to the Notification No.23/2018 dated 03.10.2018 issued by the TNPSC and to issue appointment orders based on merit and reservations within a time frame fixed by this Hon'ble Court.

For Petitioner : M/s.Row and Reddy
For Respondents : Mr.S.Thangavelu
Special Government Pleader

ORDER

The petitioner has come up with this Writ Petition to direct the 2nd respondent to publish the final selection list for the Post of Assistant Public Prosecutor Grade - II pursuant to the Notification No.23/2018 dated 03.10.2018 issued by the TNPSC and to issue appointment orders based on merit and reservations within a time frame fixed by this Court.

2. Upon notice, the 1st respondent filed a counter affidavit, *inter alia* stating that the 2nd respondent is a constitutional body having power to make selection of the candidates independently; the estimate of vacancy in the cadre of Assistant Public Prosecutor Grade-II as exist in the Prosecution Department is provided periodically to the 2nd respondent and thereafter, the selection is made by the 2nd respondent; and only upon receiving the selection list from the second respondent, the Government will take action to appoint them to the post of Assistant Public Prosecutor Grade- II, after following due procedure.

3. Today, when the matter was taken up for consideration, the learned Special Government Pleader appearing for the respondents produced a copy of G.O. (4D)No.17, Home (Cts-VI) Department, dated 25.02.2021, wherein it is stated that the second respondent sent a list of 47 candidates selected provisionally and conditionally for appointment by direct recruitment to the post of Assistant Public Prosecutor Grade-II for the year 2015-2016; after careful examination, the Government approved the provisional selection of 44 candidates to the said posts and appointed them to act temporarily as such. It is further stated therein that the said selection for appointment is purely provisional subject to the outcome of Writ petitions if any pending before this Court/ Madurai Bench of this Court and also subject to the outcome of Review petitions filed by the Commission/Government against the orders of this Court in W.P.No.998/2017 etc. batch and any other cases relating to this recruitment.

4. In view of the subsequent development as stated above this Court is of the opinion that no further adjudication is required in this writ petition, except directing the respondents to proceed further in the light of the aforesaid G.O.(4D)No.17, Home (Cts-VI) Department, dated 25.02.2021, without causing any further delay.

5. Accordingly, this writ petition stands disposed of. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Secretary to Government
Home Department,
Fort St. George, Chennai - 600 009.

2.The Member Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road,
Park Town, Chennai - 600 003.

+1cc to M/s.Row & Reddy, Advocate Sr.No.12061

akm/4.3.21 /3P-4C/

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