



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE

AND

THE HON'BLE MRS.JUSTICE N.MALA

W.P.No.18686 of 2012

1. S.Balaji
2. M.Jeyakumar

.. Petitioners

vs

- 1.The Secretary to Government,
Personnel and Administration Reforms
Department, Fort St. George, Chennai-9.

- 2.The Chairman,
Tamil Nadu Public Services Commission,
No.1, Commercial Tax Annexe Building,
Greens Road, Chennai-6.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Declaration to declare the provisions of the Tamil Nadu Appointment on Preferential Basis in the services under the State of Persons Studied in Tamil Medium Act, 2010 (T.N. Act of 40/2010) dt. 29.11.2010 as ultra vires and unconstitutional and to be non-est.

For the Petitioner : Mr.Venkatachalapathy, SC for
Mr.M.Sriram

For the Respondents : Mr.P.Muthukumar
State Govt. Pleader for R-1

: Mr.V.Govardhanan,
Stdg. Counsel for R-2

ORDER

(Order of the Court was made by
the Hon'ble Chief Justice)

By this writ petition, challenge is made to the Tamil Nadu appointment on preferential basis in the services under the State of Persons studied in Tamil Medium Act, 2010.



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2. It is admitted by the parties that the issue raised in this writ petition has already been answered by a Division Bench of this Court in the case of G.Sakthi Rao vs. Chief Secretary, Government of Tamil Nadu and Others, reported in (2021) 4 MLJ 193.

3. In view of the statement aforesaid, we could not take a different view as has already been taken by a Coordinate Division Bench holding the provisions to be intra vires.

4. The writ petition was filed otherwise in the year 2012 in reference to a particular selection. A period of ten years has already passed in between and therefore, presumption remains that the petitioner may have been settled properly. However, if any grievance still remains after holding the provisions of the Act to be constitutionally valid, the petitioner would be at liberty to take appropriate remedy under the law.

The writ petition is, accordingly, disposed of in terms of the order passed in the judgment referred supra. No costs.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

sra

To:

1.The Secretary to Government,
Personnel and Administration Reforms
Department, Fort St. George, Chennai-9.

2.The Chairman,
Tamil Nadu Public Services Commission,
No.1, Commercial Tax Annexe Building,
Greens Road, Chennai-6.

+1cc to Mr.V.Govardhanan, Advocate SR. No. 37824

+1cc to Government Pleader SR. No. 37708

W.P.No.18686 of 2012

SJ (CO)

PR (24/06/2022)