



WEB COPY



W.A.No.2563 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2022

CORAM

The Hon'ble Mr. Justice **PARESH UPADHYAY**
and
The Hon'ble Mr. Justice **D.BHARATHA CHAKRAVARTHY**

W.A.No.2563 of 2021
and C.M.P. No.16651 of 2021

1.The Secretary to Government of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George, Chennai – 9.

2.The Director,
Town and Country Planning Department,
Anna Salai, Chennai – 2.

.. Appellants

vs

1.R.Shivakumar

2.The Secretary,
Tamil Nadu Public Service Commission,
Government Estate, Chennai – 2.

.. Respondents

Appeal filed under Clause 15 of Letters Patent against the order
dated 23.10.2018 made in W.P.No.12943 of 2008.

For Appellants : Mr.M.Rajendran,
Addl. Govt. Pleader

For Respondents : Mr.V.Vijay Shankar for R1
Mr.V.Vaithiyalingam for R2



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JUDGMENT

(Delivered by PARESH UPADHYAY, J)

1. Challenge in this appeal is made to the order dated 23.10.2018 recorded on W.P. No.12943 of 2008. This appeal is by respondents 1 and 2 in the writ petition.

2. On 23.09.2022, this Court passed the following order:

"1. Challenge in this appeal is made to the order dated 23.10.2018 recorded on W.P.No.12943 of 2008. This appeal is by the State. The State Public Service Commission has not challenged the order, however it stands as a supporting respondent so far the appeal is concerned.

2. Learned advocate for the State Public Service Commission has stated that, in due compliance of the



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directions of learned single Judge, the writ petitioner was informed vide communication dated 11.04.2019 that he may apply in the next recruitment. It was also informed to him that, he may also intimate the same to the State Public Service Commission so that his candidature can be appropriately considered, keeping in view the directions of learned single Judge. Learned advocate has stated on instructions that, inspite of the subsequent advertisement and even an intimation in that regard to the writ petitioner, he has not applied.

3. Learned advocate for the writ petitioner seeks time to respond to the above factual aspect.

4. List on 12.10.2022."



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3. Learned advocate for the original writ petitioner concedes that, the stand of the State Public Service Commission as reflected in the above quoted order dated 23.09.2022 is right and the reason for the writ petitioner for not participating in the subsequent selection is that he is already employed with some other organisation.

4. The order of learned single Judge would lose its efficacy in view of the above situation and no further adjudication is required.

5. This writ appeal stands disposed of in the above terms.
No costs. Connected miscellaneous petition would not survive.

(P.U., J) (D.B.C., J)
03.11.2022

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To

The Secretary,
Tamil Nadu Public Service Commission,
Government Estate, Chennai – 2.



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**PARESH UPADHYAY, J.
and
D.BHARATHA CHAKRAVARTHY, J.**

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