



WEB COPY



WP No.9740 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

WP No.9740 of 2018

M.Radhakrishnan

: Petitioner

versus

1.State of Tamil Nadu

rep. by the Additional Chief Secretary to Government

Home Department (Courts-I)

Secretariat, Chennai-09

2.High Court of Judicature at Madras

rep. by the Registrar General

High Court, Chennai-104

3.The Secretary

Tamil Nadu Public Service Commission

TNPSC Road

VOC Nagar, Park Town, Chennai-03

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Declaration declaring that the amendment made to the Tamil Nadu State Judicial Service (Cadre and Recruitment) Rules, 2007 vide GO.Ms.No.11 Home (Courts I) 3 January 2014 and the consequential notification bearing Notification No.08/2018 dated 09.04.2018 issued by respondent no.3 – TNPSC, so far as it relates to clause 2(B)(II) are null and void. (Prayer amended vide order dated 02.03.2022 in WMP.27966/2021 in WP.9740/2018).

For the Petitioner

: Mr.M.Radhakrishnan,

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Party-in-person

For the Respondents : Mr.P.Muthukumar,
State Government Pleader
for the first respondent

Mr.B.Vijay,
for the second respondent

Mr.V.Vaithiyalingam,
for the third respondent

ORDER

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

We have heard Mr.M.Radhakrishnan, party-in-person, Mr.P.Muthukumar, learned State Government Pleader, for the first respondent, Mr.B.Vijay, learned counsel for the second respondent and Mr.V.Vaithiyalingam, learned counsel for the third respondent.

2. The issue is about the eligibility of the candidates to appear immediately upon getting law degree, without being enrolled.

3. The issue whether the three years practice should be made mandatory, is pending consideration before the Apex court in WP (Civil) No.1022 of 1989 (*All India Judges Association & Ors. vs. Union*



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of Indian & Ors). The Apex court is seized with the matter. Naturally, the decision given by the Apex Court would be the law of the land and it would bind all the stakeholders.

4. In light of that, propriety demands that we should not pass any order in the matter.

5. The Writ Petition as such is disposed of. There will be no order as to costs. Consequently, WMP Nos.11665 and 11666 of 2018 are closed.

(S.V.G., CJ.)

(P.D.A., J.)

28.07.2023

Index : Yes/No

Neutral Citation : Yes/No
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To:

1.The Additional Chief Secretary to Government
Home Department (Courts-I)
Secretariat, Chennai-09

2.The Registrar General
High Court, Chennai-104

3.The Secretary
Tamil Nadu Public Service Commission
VOC Nagar, Park Town, Chennai-03

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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESAVALU, J.

(tar)

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