



WEB COPY

W.P.(MD) No.3175 of 2008

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.10.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN**

W.P.(MD) No.3175 of 2008

and

M.P.(MD) No.3 of 2008

1.K.Mani

2.M.Soundrapandian

3.P.Murugalakshmi

... Petitioners

-vs-

1.The Registrar General
High Court of Judicature at Madras
Chennai

2.The Principal District Judge
Srivilliputtur
Virudhunagar District

3.The State of Tamil Nadu
rep.by the Secretary to Government
Home Department, Chennai

... Respondents



WEB COPY

W.P.(MD) No.3175 of 2008

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 3 to merge the post of Examiners, Readers, Senior Bailiffs in Tamil Nadu Judicial Ministerial Services with that of the post of Junior Assistants with effect from 03.07.2007 or directing the respondents to treat the post of Examiners, Readers, Senior Bailiffs as feeder category or to create channel for promotion to the post of Assistant with effect from 03.07.2007 in the Tamil Nadu Judicial Ministerial Services.

(Prayer amended vide Court Order dated 16.11.2016 in M.P.(MD) No.1 of 2009)

For Petitioners : Mr.M.E.Ilango
for M/s.Ajmal Associates

For Respondents : Mr.N.Tamilmani for R1 & R2
Mr.N.Satheesh Kumar
Additional Government Pleader for R3

ORDER

[Order of the Court was made by S.M.SUBRAMANIAM, J.]

The amended relief sought for in this writ petition is to direct the respondents 1 to 3 to merge the post of Examiners, Readers, Senior Bailiffs in



W.P.(MD) No.3175 of 2008

WEB COPY

Tamil Nadu Judicial Ministerial Services with that of the post of Junior Assistants with effect from 03.07.2007 or to direct the respondents to treat the post of Examiners, Readers, Senior Bailiffs as feeder category or to create a channel for promotion to the post of Assistant with effect from 03.07.2007 in the Tamil Nadu Judicial Ministerial Services.

2. Today, when the matter was taken up for hearing, learned counsel appearing for the respondents 1 & 2, on instructions, submitted that the first petitioner Thiru.K.Mani was retired from service on attaining the age of superannuation on 30.06.2013 and the other two petitioners, namely, Thiru.M.Soundrapandian and Tmt.P.Murugalakshmi were already promoted to the post of Assistant with effect from 05.07.2013 by order dated 17.10.2014.

3. Thus, the grievance of the petitioners 2 & 3 was already addressed and the first petitioner was retired from service on attaining the age of superannuation.



WEB COPY

W.P.(MD) No.3175 of 2008

4. More so, merger of posts or to treat a particular post as feeder category for promotion is the prerogative of the employer, which is to be considered in consonance with the Service Rules in force. In exercise of judicial review, High Court cannot interfere in such matters. Hence, we do not see any reason to adjudicate the grounds raised by the petitioners.

5. Accordingly, the writ petition fails and it is dismissed. No costs. Consequently connected miscellaneous petition is closed.

[S.M.S., J.]

[V.L.N., J.]

05.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

krk

To:
The Secretary to Government,
Home Department,
State of Tamil Nadu,
Chennai.



WEB COPY



W.P.(MD) No.3175 of 2008

S.M.SUBRAMANIAM, J.
and
V.LAKSHMINARAYANAN, J.

krk

W.P.(MD) No.3175 of 2008
and
M.P.(MD) No.3 of 2008

05.10.2023