



WEB COPY



W.P.(MD)No.25919 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

and

THE HONOURABLE MR.JUSTICE P.DHANABAL

W.P.(MD)No.25919 of 2023

and

W.M.P.(MD)Nos.22269 to 22271 of 2023

A.Yughathy Mariya

: Petitioner

Vs.

1.The Chairman,

The Tamil Nadu Public Service Commission,
Chennai – 600 003.

2.The Secretary,

The Tamil Nadu Public Service Commission,
Chennai – 600 003.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, calling for the entire records connected with the impugned Memorandum No. 1602/APD-D2/2023 dated 20.10.2023 issued by the first respondent and quash the same in so far as the petitioner is concerned,



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consequently, directing the respondents to permit the petitioner to participate in the Mains and other examinations and announce her result for the recruitment to the post of Civil Judge called for by the second respondent in Notification No.12/2023 dated 01.06.2023.

For Petitioner : Mr.T.Aswin Raja Simman

For Respondents : Mr.J.Ananda Kumar

ORDER

Heard both sides.

2.With the consent of learned Counsel on either side, the main writ petition itself is taken up for final disposal. The writ petitioner completed her Law Degree in the year 2020 and she enrolled herself as an Advocate on 02.08.2021. Her Enrollment Number is 2654/21. She was appointed as 'Research Law Assistant' to the Hon'ble Judges. The petitioner is desirous of joining Judicial Service. When TNPSC issued Notification No.12/2023 dated 01.06.2023, calling for applications from eligible candidates for direct recruitment to the post of Civil Judges in Tamil Nadu State Judicial Service. The petitioner applied in response thereto. She was issued with hall ticket and she wrote the preliminary examination and she was successful. Now she has to write the Mains examination which is to be held on 04.11.2023 and 05.11.2023.



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3.The petitioner had uploaded all the relevant documents so that she can be issued with the necessary hall ticket. The petitioner is apprehending that she may not be issued with hall ticket since she has not obtained 'No Objection Certificate' from the Registry of the Madras High Court. Hence, she had filed the present writ petition.

4.Learned Standing Counsel for TNPSC drew our attention to the Notification No.209 of 2021, issued by the Madras High Court which states that 'Law Clerks, during the currency of their assignment, shall not be entitled to take up any employment, engagement of whatsoever nature either on full-time or part time basis'.

5.This condition set out in the aforesaid notification will not come in the way of the Law Clerks from participating in any recruitment process. We also went through the contents of the TNPSC notification. It envisages obtaining 'No Objection Certificate' only from Government servants. The petitioner admittedly is not a Government servant. Therefore, we do not find any bar. In order to address the petitioner's concerns, we direct the respondents to issue hall ticket, so that the petitioner can



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participate in the Mains examination to be held on 04.11.2023 and 05.11.2023.

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6.With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[G.R.S.,J.] & [P.D.B.,J.]

26.10.2023

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR

Note: Issue a copy of this order by 27.10.2023.



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To

1.The Chairman,

The Tamil Nadu Public Service Commission,
Chennai – 600 003.

2.The Secretary,

The Tamil Nadu Public Service Commission,
Chennai – 600 003.



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G.R.SWAMINATHAN, J.

and

P.DHANABAL, J.

MR

ORDER MADE IN

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26.10.2023