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W.P.No.8585 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2024

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.No.8585 of 2020

1. J.Prathiba Lakshmi
2. Mohammed Niyamathullah Khazi
3. S.Vishnuvarma
4. G.Vimala

... Petitioners

-VS-

The Registrar General,
High Court of Judicature at Madras,
Chennai-600 104.
Respondent

...

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Declaration, declaring Rules 14(h) and 14(j) of the Madras High Court Service Rules 2015 as illegal and ultra vires to the Constitution of India and consequently to strike down the same and to restore the original hierarchy of Interpreters as existed in the erstwhile Madras High Court Service Rules , 1955 and to restore the independent seniority of the separate and distinct category, viz., Interpreters and to fix a separate ratio/quota for Interpreters for the purpose of promotion, preferably ratio of “1” to the separate and distinct category, viz., Interpreters may be fixed for every 10 posts thereby amending the existing ratio among the three different categories viz. Interpreters A.E./C.O/S.O and P.A. to Hon'ble Judges including Senior Private Secretary to Hon'ble Judges / Private Secretary to Hon'ble Judges as “1:6:3” respectively, which ratio would



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not disturb the existing ratio between the two other competing categories, viz., A.E./C.O/S.O and P.A. to Hon'ble Judges and Interpreters may be considered for promotion from out of their separate ratio, viz., "1" on rotational basis and to promotion the petitioners to the next higher category, viz., Sub-Assistant Registrar.

For Petitioners : Mr.P.L.Narayanan, Senior Counsel
For Mr.V.V.Giridhar

For Respondent : Mr.C.T.Mohan, Senior Counsel
For Mr.P.Kannan Kumar

ORDER

(By D.Krishnakumar,J.,)

This Writ Petition has been filed, seeking to declare Rules 14(h) and 14(j) of the Madras High Court Service Rules 2015 as illegal and ultra vires to the Constitution of India and consequently to strike down the same and to restore the original hierarchy of Interpreters as existed in the erstwhile Madras High Court Service Rules , 1955 and to restore the independent seniority of the separate and distinct category, viz., Interpreters and to fix a separate ratio/quota for Interpreters for the purpose of promotion, preferably ratio of "1" to the separate and distinct category, viz., Interpreters may be fixed for every 10 posts thereby amending the existing ratio among the three different categories viz. Interpreters A.E./C.O/S.O and P.A. to Hon'ble Judges including Senior Private Secretary to Hon'ble Judges / Private Secretary to Hon'ble Judges as "1:6:3" respectively, which ratio would not disturb the existing ratio between



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the two other competing categories, viz., A.E./C.O/S.O and P.A. to Hon'ble Judges and Interpreters may be considered for promotion from out of their separate ratio, viz., "1" on rotational basis and to promotion the petitioners to the next higher category, viz., Sub-Assistant Registrar.

2. The case of the petitioners is that they were all appointed as Interpreters under the Madras High Court Service Rules, 1955 in the year 2008 and 2009 and as per the said Rules, they were initially considered as a separate feeder category for the purpose of promotion to the higher posts, viz., Assistant Registrar, Sub-Assistant Registrar, Sub-Assistant Registrar (Insolvents, Accounts) and Librarian. The further case of the petitioners is that subsequently, an amendment notification dated 29.07.2015 was issued, removing Interpreters from the feeder category for promotion to Assistant Registrar and they were retained in the provision for promotion to Sub-Assistant Registrar without fixation of any ratio thereof. However, in respect of competing categories, namely, CO/SO/AE and P.A. to Hon'ble Judges, a separate ratio was fixed. It is averred by the petitioners that aggrieved by the said amendment notification, a representation dated 18.07.2017 was given to the respondent herein to sort out the grievances of the petitioners by providing an avenue of promotion to them, placing them under the Feeder Category for the post of Assistant Registrar.



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3. It is submitted by the petitioners that since there was no response on the side of the respondent in respect of the representation, they were forced to file a Writ Petition in W.P.No.4373 of 2018, in which, a direction was issued to the respondent to place the representation of the petitioners before the Committee concerned within a week, with further direction to the Committee to dispose of the same within six weeks thereafter. It is also submitted by the petitioners that since no orders were passed on the representation dated 18.07.2017, in the interregnum, there were several promotions taken place between the other two competing categories.

4. Mr.C.T.Mohan, learned Senior Counsel for the respondent brought to the attention of this Court that now, a Committee has been constituted and pursuant to the pendency of the Writ Petition, the Committee was not in a position to take a decision, as the Committee has been awaiting an order in the instant Writ Petition.

5. In view of the above submission, since a Committee has already been constituted, the grievance of the petitioners can be examined and looked into by the Committee concerned and appropriate decision be taken thereon as expeditiously as possible, bearing in mind the time frame so fixed by this Court in the earlier round of litigation.



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6. With the above direction, this Writ Petition is disposed of. No costs.

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[D.K.K., J.,]

[P.B.B.,J.,]

14.11.2024

Index: Yes / No

Internet: Yes / No

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Note: Issue order copy on 19.11.2024

To:

The Registrar General,
High Court of Judicature at Madras,
Chennai-600 104.



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