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W.P.No.19197 of 2023 and W.P.(MD).No.16617 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2024

CORAM :

**THE HON'BLE MR.SANJAY V.GANGAPURWALA ,
CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P.No.19197 of 2023 and W.P.(MD).No.16617 of 2023

In W.P.No.19197 of 2023 :

R.Bhagathsingh

.. Petitioner

Versus

1. High Court of Madras,
Rep. by its Registrar General,
Chennai - 104.
 2. Government of Tamil Nadu,
Rep. by its Secretary,
Personnel and Administrative Reform(s) Department,
Secretariat, Chennai - 9.
 3. Tamil Nadu Public Service Commission,
Rep. by its Secretary,
Frazer Bridge Road,
Chennai - 1.
- .. Respondents

In W.P.(MD).No.16617 of 2023 :

R.Aparna Padmakavi

.. Petitioner

Versus



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1. Government of Tamil Nadu
Represented by the Secretary to the Government,
Department of Human Resources Management,
The Secretariat, Fort St. George,
Chennai - 600 009.
2. Tamil Nadu Public Service Commission,
Represented by its Secretary,
TNPSC Road, V.O.C.Nagar,
Park Town, Chennai - 600 003. .. Respondents

Prayer in W.P.No.19197 of 2023: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Declaration, declaring that the clause (iv) of sub-section (4) of Section 20 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 and Condition No.4 (B) and Note: 1 to Condition No.4 (B) of the Advertisement No.661 and Notification No.12/2023, dated 01.06.2023 issued by the 3rd respondent in so far as restricting the educational qualification to the date of notification and the proviso to clause (iv) of sub-section (4) of Section 20 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, restricting the benefit provided therein only to the posts included in Group-I service as unconstitutional, arbitrary, unjust, unreasonable and discriminatory and violative of Articles 14 and 16 of the Constitution and for a direction to extend the benefit provided under the proviso to clause (iv) of sub-section (4) of Section 20 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 to all posts for which degree is fixed as minimum educational qualification and to permit the petitioner to apply for appointment to the post of Civil Judge under the category of fresh law graduates and to accept his applications without reference to the cut-off date and condition stipulated in Note:1 to Condition No.4(B) of the above notification, by extending the last date and time for making application suitably.

Prayer in W.P.(MD).No.16617 of 2023: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus,



W.P.No.19197 of 2023 and W.P.(MD).No.16617 of 2023

calling for the records pertaining to Clause-4(B)-Note(i) of the impugned notification No.12/2023, dated 01.06.2023 published by the 2nd respondent and quash the same as illegal and consequently direct the 2nd respondent to renotify or extend the application of the proviso to Section 20(4)(iv) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 to the Civil Judge Exam, thereby allowing the petitioner to apply for the examination within the time frame as fixed by this Court.

In W.P.No.19197 of 2023 :

For Petitioner : Mr.V.Ajay Khose

For Respondents : Mr.B.Vijay, for R1

: Mr.A.Edwin Prabakar,
State Government Pleader for R2

: R3 - No Appearance

In W.P.(MD).No.16617 of 2023 :

For Petitioner : Mr.Yuvaaraja.M.P

For Respondents : Mr.A.Edwin Prabakar,
State Government Pleader for R1

: R2 - No Appearance

COMMON ORDER

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

Heard Mr.V.Ajay Khose, learned Counsel for the petitioner in W.P.No.19197 of 2023; Mr.Yuvaaraja.M.P, learned Counsel for the petitioner in W.P.(MD).No.16617 of 2023; Mr.B.Vijay, learned Counsel for



W.P.No.19197 of 2023 and W.P.(MD).No.16617 of 2023

the first respondent in W.P.No.19197 of 2023; Mr.A.Edwin Prabakar, learned State Government Pleader for the second respondent in W.P.No.19197 of 2023 and for the first respondent in W.P.(MD).No.16617 of 2023.

2. The issue raised in these Writ Petitions remains academic only. We would consider the issue in an appropriate matter.

3. In view of that, the Writ Petitions are disposed of. There shall be no order as to costs. Consequently, W.M.P.No.18430 of 2023, W.M.P.(MD).Nos.13893 and 13894 of 2023 are closed.

(S.V.G., CJ.)

(D.B.C., J.)

29.01.2024

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

1. The Registrar General,
High Court of Madras,
Chennai - 104.



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2. The Secretary,
Personnel and Administrative Reform(s) Department,
Secretariat, Chennai - 9.

3. The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
Chennai - 1.

4. The Secretary to the Government,
Department of Human Resources Management,
The Secretariat, Fort St. George,
Chennai - 600 009.



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W.P.No.19197 of 2023 and W.P.(MD).No.16617 of 2023

**THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.**

grs

W.P.No.19197 of 2023 and
W.P.(MD).No.16617 of 2023

29.01.2024