



WEB COPY



WP No.6090 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2024

CORAM

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No.6090 of 2024  
and WMP Nos.6734 to 6736 of 2024

Ramesh Jeevarathinam

.. Petitioner

-VS-

1. Union of India,  
Through Under Secretary,  
Ministry of Corporate Affairs,  
5<sup>th</sup> Floor, "A" Wing, Shastri Bhawan,  
Dr.R.P.Road, New Delhi 110 001.

2. Justice (Retd.) M.Venugopal,  
12/6, SAF Gamesh Village Tower,  
Koyambedu, Chennai 600 107.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Quo Warranto calling upon the respondent No.1 to explain in what capacity the impugned order issued by the 1<sup>st</sup> respondent bearing No.A-12023/2/2023-Ad.IV.MCA dated 18.12.2023 was issued since the Appointment Process is riddled with irregularities and illegalities and to consequently to quash and set aside the abovesaid impugned letter.

For the Petitioner : Mr.M.Ravi  
for Mr.P.Kumarvel

For the Respondents : Mr.R.Rajesh Vivekananthan  
Deputy Solicitor General for R-1  
\* \* \* \* \*



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ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.M.Ravi, learned counsel for the petitioner and Mr.R.Rajesh Vivekananthan, learned Deputy Solicitor General, for respondent No.1.

2. The primary contention of the learned advocate for the petitioner is that respondent No.2 has been renominated and appointed without following proper procedure and though applications were invited for filling in the post upto 19.12.2023, the respondent No.2 was appointed on 18.12.2023. The learned advocate for the petitioner submits that the petitioner holds the respondent No.2 in high regards, however, it is only because proper procedure is not followed, the petition is filed.

3. The learned Deputy Solicitor General for respondent No.1 submits that respondent No.2 has been renominated by the Search cum Selection Committee and against the vacant post available. The petitioner has referred to the second notification, however, has not referred to the first notification. As per the first notification, there were



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three posts of Judicial members vacant and the dates on which the vacancies of the said three Judicial members arose are: 09.10.2022, 23.10.2023 and 21.01.2024. It is against these vacant posts, the respondent No.2 was renominated. For filling in the posts as notified under the notification of November 2023, the process is underway and the posts are yet to be filled in.

4. In light of the above, there is no infraction of the procedure, as such, the writ petition does not merit consideration.

The writ petition is, accordingly, dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

**(S.V.G., CJ.)**

**(D.B.C., J.)**

**05.03.2024**

Index : Yes/No

Neutral Citation : Yes/No

sra



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

(sra)

To

1. The Under Secretary,  
Union of India,  
Ministry of Corporate Affairs,  
5<sup>th</sup> Floor, "A" Wing, Shastri Bhawan,  
Dr.R.P.Road, New Delhi 110 001.

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