



W.P.(MD)No.27230 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2024

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.27230 of 2019

M.Muthuganesan

: Petitioner

Vs.

1.The Additional Chief Secretary /
State Tax Commissioner,
Chepauk,
Chennai – 600 005.

2.The Joint Commissioner of Commercial Taxes,
Madurai Division,
Madurai – 625 020.

3.The Deputy Commissioner of Commercial Taxes,
Madurai East Commercial Tax District,
Madurai – 20.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, to direct the second and third respondents to consider the petitioner's candidature in the selection process for the post of Office Assistant in the third respondent office in view of the order passed by this Hon'ble Court in W.P.(MD)No.



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22133 of 2018 dated 31.10.2018 and thereby appoint the petitioner as Office Assistant in the third respondent office by considering the representation given by the petitioner dated 28.01.2019 within the period stipulated by this Court.

For Petitioner : Mr.N.Sathish Babu

For Respondents : Mr.R.Suresh Kumar

Additional Government Pleader

ORDER

In the counter affidavit filed by the respondents, it has been stated that the selection process which is the subject matter of this writ petition has been stalled and the relevant paragraphs of the counter affidavit reads thus:

"6.I respectfully state that in complying with the order of the Hon'ble Court dated 31.10.2018, the certificates submitted by the petitioner were received by the third respondent office. While the process of selection was going on, the Government issued G.O.Ms.No.30, Commercial Taxes and Registration (A2) Department dated 04.03.2019, reorganizing the Commercial Taxes Department in the light of the implementation of the Goods Service Tax Act, 2017 and other changes. In the light of the reorganization ordered in the said G.O., the selection process was stalled and therefore, the



process was not completed and no order of appointment was issued in respect of the candidate applied for the said post.

7.

8. *I respectfully state that the Government Order in G.O.Ms.No.30, Commercial Taxes and Registration (A2) Department dated 04.03.2019 were implemented from 01.06.2019 giving effect to reorganization and as a result of the reorganization, the excess Office Assistants in Sivagangai, Dindigul, Madurai (West – CT District) were posted in the vacant places in Madurai (East – CT District) and as such as there is no vacancy in cadre of Office Assistant Post as of now. In view of this fact, the question of appointing new Office Assistants in Madurai (East – CT District) does not arise and therefore it is submitted that the respondents was disabled to comply with the order of the Hon'ble Court in W.P.(MD)No.22133 of 2018 dated 31.10.2018.”*

2. In view of the fact that the selection process which is subject matter of this writ petition has been stalled by the respondents as seen from paragraph Nos.6 & 8 of the counter affidavit filed by the third respondent, which is extracted supra, the prayer sought for in this writ petition has now become infructuous.



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3.Recording the same, this Writ Petition is dismissed as infructuous. There shall be no order as to costs.

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Index :Yes / No

Internet : Yes / No

NCC : Yes/No

MR



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To

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ABDUL QUDDHOSE, J.

MR

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