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Writ Petition No.23502 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 8/1/2025

C O R A M

THE HONOURABLE Mr.JUSTICE VIVEK KUMAR SINGH

Writ Petition No.23502 of 2022

a n d

W.M.P.No.22461 of 2022

K. Ramar

...

Petitioner

Vs

1. The State of Tamil Nadu
rep. By its Additional Chief Secretary
Home (Courts VI A) Department
Fort St. George
Chennai 600 009.

2. P. Alagan

...

Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of a quo warranto as to under what authority, second respondent holds the post of Special Public Prosecutor – II in the Special Court (Schedule Caste & Schedule Tribes Act), Madurai and restrain the second respondent from continuing the said post and direct the first respondent to remove the second respondent from the post of Special Public Prosecutor – II in the Special Court (Schedule Caste & Schedule



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Tribes Act), Madurai, who does not possess eligibility in respect of age limit.

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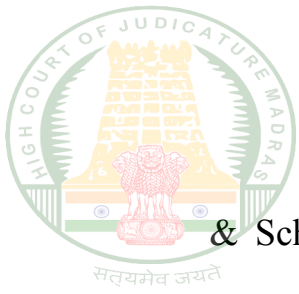
For petitioner	...	Mr.M.Sarfudeen Ali Ahamed
For respondents	...	Mr.R.U.Dinesh Raj Kumar Additional Government Pleader

ORDER

This writ petition has been filed by the petitioner for the issuance of quo warranto against the second respondent.

2. Brief facts which are necessary for the disposal of the writ petition are as follows:-

The petitioner is an Advocate by profession. Vide, G.O. (D) No.1028 Home (Courts VI A) Department, dated 20/9/2021, the first respondent has clearly stated that K. Chandran and P.Alagan/second respondent have been appointed as Special Public Prosecutor – I (Schedule Caste & Schedule Tribe) in the Court of Special District Court for Schedule Caste & Schedule Tribe, III Additional District Court, Madurai and Special Public Prosecutor – II (Prevention of Atrocities), on temporary basis, pending drawal of Panel of Eminent Senior Advocates in accordance with Rule 4 (1) of Schedule Caste



& Schedule Tribes (Prevention of Atrocities) Amendment Rules, 2016 as well as in compliance with the order passed in W.P.(MD) No.8172 of 2008 dated 25/2/2020.

3. The second respondent took charge on 20/9/2021 and the Date of Birth of the second respondent is 16/5/1962 and he enrolled as an Advocate in the Bar Council of Tamil Nadu on 13/12/1995. As per the norms prescribed by the first respondent, second respondent had completed the age of 60 and hence he is ineligible to serve as a Special Public Prosecutor in the Special Court. Hence, the petitioner made a detailed representation to the first respondent on 20/6/2022, questioning the eligibility in respect of age limit of the second respondent. Since no action was taken by the first respondent, petitioner has come forward with the instant writ petition praying for the relief as stated therein.

4. The Additional Secretary to Government, Home, P & E Department, Secretariat, Chennai has filed a counter affidavit, wherein it is stated that in G.O.(D) No.1028, Home (Courts VI A) Department dated 20/9/2021, it is made very clear that the appointment of the second respondent as a Special Public Prosecutor is on temporary basis only and



though there is no clarity with regard to the age limit to hold the post of Special Public Prosecutor, norms prescribed by the Government in respect of age limit to continue and to serve as Special Public Prosecutor in the Special Courts for Schedule Caste and Schedule Tribe, Madurai is that the Advocate can serve as the Special Public Prosecutor upto his age of 60 years, but the petitioner has not stated where such rule position is available and thus, prays for dismissal of the writ petition.

5. Heard Mr.M.Sarfudeen Ali Ahamed, learned counsel for the petitioner and Mr.R.U.Dinesh Rajkumar, learned Additional Government Pleader for the first respondent.

6. The learned counsel appearing for the petitioner would submit that the second respondent has lost his eligibility to hold the said post on the ground of completion of his age of 60 years. Hence, removal of the second respondent from the post of the Special Public Prosecutor in the Special Court, Madurai is mandatory.

7. The learned Additional Government Pleader appearing for the first



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respondent would submit that Government of Tamil Nadu is competent to appoint Public Prosecutor/Special Public Prosecutor to handle trial before the Special Court for SC/ST Act cases. The Government on getting the recommendations from the learned Principal District Judge, Madurai and the District Collector, Madurai appointed the second respondent as Special Public Prosecutor – II (Prevention of Atrocities), Special District Court, Madurai in G.O.(D) No.1028, Home (Courts VI A) Department dated 20/9/2021 and extending his service in the same post belong 16/5/2022 and thus, the prayer of the petitioner for the issuance of quo warranto fails and prays for dismissal of the writ petition.

8. Perused the materials available on record.

9. It is an admitted fact that only on the recommendation made by the District Collector, Madurai in RC.C1/31907/2022 dated 7/7/2022, Government of Tamil Nadu vide G.O.(D) No.1098 Home (Courts.VI A) Department dated 3/8/2022 relaxed the provisions relating to maximum age limit of 60 years as prescribed in G.O.(MS) No.4054, Home Department, dated 18/11/1961 in favour of P.Alagan, Special Public Prosecutor – II (Prevention of Atrocities) Special Cour Madurai, so as to extend his service



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in the same post beyond 16/5/2022. In such a view of the matter, prayer of the petitioner for issuance of writ of quo warranto against the second respondent fails and the same deserves dismissal.

10. In the result, this writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

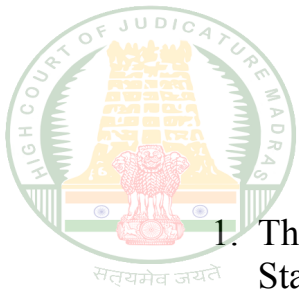
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Index: yes/No

Neutral Citation: Yes/No

To



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