



W.P.(MD).No.918 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

ORDER RESERVED ON : 20.01.2025

ORDER PRONOUNCED ON : 22.01.2025

**CORAM:
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD).No.918 of 2023
and WMP(MD).Nos.855, 857, 861 & 3151 of 2023
and WMP(MD).No.2204 of 2023**

1.N.Sivaganesh

2.P.Naveen

3.P.Suresh

....Petitioners

Vs

1.The Tamil Nadu Civil Supplies Corporation
Represented by its Managing Director
12, Thabusamy Road
Kilpauk, Chennai 600 010

2.The General Manager
Tamil Nadu Civil Supplies Corporation
12, Thabusamy Road
Kilpauk, Chennai 600 010

3.The Regional Manager
Tamil Nadu Civil Supplies Corporation
Madurai Region
10, Kuruvikkaran Salai
Anna Nagar, Madurai 625 020

....Respondents



W.P(MD).No.918 of 2023

Prayer : This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned circular issued by the first respondent vide his proceedings in Na.Ka.No.AE2/26919/2020 Circular.Va.No.29/2022 dated 26.05.2022 and consequential impugned order passed by the third respondent vide his proceedings in Ve.Aa.No.407, Se.Ma.Tho.A.dated 25.12.2022 (Published vide Dinathanthai daily news paper on 25.12.2022) and quash the same as illegal.

(Prayer amended vide Court order dated 22.08.2024)

For Petitioner : Mr.H.Mohammed Imran
For M/s.Ajmal Associates

For Respondents : Mr.Veera.Kathiravan
Additional Advocate General
Assisted by Mr.K.R.Badurus Zaman
Standing Counsel

ORDER

The present writ petition has been filed by the Seasonal Bill Clerks who were appointed during 2018-2019 season, challenging the circular dated 26.05.2022 and the consequential paper publication dated 26.12.2022.

2.It could be seen from the averments in the affidavit that the petitioners herein were initially appointed as Seasonal Bill Clerks on 28.01.2019 on a consolidated salary of Rs.6296/- with Rs.75/- of graduate allowance per month. After the season was over, the centres were closed and the petitioners were relieved from the seasonal work by way of order dated



W.P(MD).No.918 of 2023

16.04.2019.

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3. According to the petitioners, once an employee is selected and appointed as Seasonal Employee, they will be engaged during the successive seasons also. However, during the next season, the petitioners were not engaged and the Seasonal Bill Clerks were deployed from other zones to Madurai Region.

4. The third respondent herein had passed an order on 23.09.2021 that due to several irregularities in the recruitment process for the year 2018-2019, departmental proceedings have been initiated as against the concerned officials.

5. It is further averred in the affidavit that instead of re-engaging the petitioners, the respondent corporation has sought for sponsorship from the District Employment Exchange and they were about to issue paper advertisement for fresh recruitment. In such circumstances, the petitioners have filed WP(MD).No.21176 of 2021. The said writ petition was disposed of by this Court by an order dated 22.12.2021 with an observation that the seasonal employees can be selected only through oral and written examinations. However, this Court had directed the authorities to grant age relaxation wherever required.

6. It is further averred in the affidavit that the first respondent had issued a circular on 26.05.2022 wherein they have again reiterated that the



W.P(MD).No.918 of 2023

appointment would be made only based upon interview and no written examination would be conducted. Based upon the above said circular, the impugned paper publication was made in 'Dinathanthi' dated 25.12.2022. The grievance of the petitioners is that when this Court has directed the respondent corporation to conduct oral and written examination to finalise the recruitment process, in violation of the said order, again circular and notification have been issued to recruit the seasonal employees through interview.

7.The learned Additional Advocate General appearing for the respondent corporation brought to the notice of the Court that Tamil Nadu Civil Supplies Corporation Limited in their 511th Board Meeting held on 30.12.2024 have amended the service regulation to the effect that on the basis of the interview marks, selection could be conducted. He had further contended that the petitioners herein are over-aged on the date of notification namely 25.12.2022 and therefore, they have no locus standi to maintain the present writ petition challenging the notification.

8.The learned Additional Advocate General had further submitted that in view of amendment carried out in the Employees Service Regulation of Tamil Nadu Civil Supply Corporation Limited, fresh notification would be issued calling for application. There would not be any selection pursuant to the impugned paper publication dated 25.12.2022. He had further submitted



W.P(MD).No.918 of 2023

that the impugned circular dated 26.05.2022 has been superseded by amendment of the service regulation and therefore, he contended that the writ petition has become infructuous.

9.I have considered the submissions made on either side and perused the material records.

10.The earlier notification issued by Tamil Nadu Civil Supplies Corporation on 08.12.2021 published in 'Dinakaran' on 09.12.2021 was put to challenge primarily on the ground that the petitioners should be re-engaged for the next season and there should not be any fresh recruitment process. Another set of writ petition was filed challenging the order passed by the Corporation wherein the recruitment process for the year 2018-2019 was cancelled due to certain alleged irregularities. This Court by an order dated 22.12.2021, relying upon 16.3 and 16.4 in Chapter VII of Manual of Paddy Procurement, found that seasonal employees can be engaged only after being subjected to screening, oral and written tests before final selection. When the petitioners had expressed their grievances that they have crossed the prescribed age limit, this Court has directed the authorities to consider relaxing the age limit.

11.After the orders of this Court, the 511th Board Meeting of Tamil Nadu Civil Supplies Corporation which was held on 30.12.2024, had resolved to delete 16.3 and 16.4 in Chapter VII of Manual of Paddy



W.P(MD).No.918 of 2023

Procurement and had approved to appoint the seasonal employees on the basis of interview with 50% of the marks for being reserved for the educational qualification and balance 50% of the marks secured in the interview.

12.In view of the subsequent development and the interim order granted by this Court at the time of admission, the recruitment process has not been proceeded with pursuant to the impugned notification dated 25.12.2022. The learned Additional Advocate General submits that a fresh notification would be issued in consonance with the amendment of service regulations. Therefore, this Court is of the considered opinion that no further adjudication is called for in the present writ petition. However, the petitioners are at liberty to challenge the amended service regulation, if they are so advised.

13.The learned counsel for the petitioners had contended that all the three petitioners were within the prescribed age when they made an application pursuant to the impugned notification. However, during the pendency of the writ proceedings, they have become over-aged and therefore, a direction may be issued to the respondent corporation to grant relaxation in the age limit for participating in the future selection process. The learned Additional Advocate General had pointed out that the second and third petitioners herein who belong to Backward Class Community were



W.P(MD).No.918 of 2023

over-aged even on the date of notification and therefore, they have no locus standi at all.

14.It is clear from the records that the second and third petitioners who were born on 07.06.1988 and 08.09.1987 respectively were over-aged even as on 01.07.2022 as per Notification dated 25.12.2022. Therefore, the request for age relaxation for the second and third petitioners citing pendency of the writ petition is not legally sustainable. However, the first petitioner who was born on 19.02.1986 and who belongs to Schedule Caste Category was within the prescribed age limit on the date of notification. Only during the pendency of the writ petition, he has become over-aged.

15.Considering the above said facts, the respondent corporation is directed to consider relaxing the age limit of the first petitioner (N.Sivaganesh) in case he submits his application for the next recruitment process.

16.With the above said observation, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

22.01.2025.

Internet : Yes/No
Index : Yes/No
NCC : Yes/No
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W.P(MD).No.918 of 2023

R.VIJAYAKUMAR, J.

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Pre-delivery order made in

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