



W.P.(MD)No.24779 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.24779 of 2024

and

W.M.P.(MD)No.21078 of 2024

S.Velsurya

: Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Home Department,
Secretariat,
Chennai.
- 2.The Additional Chief Secretary to Government,
Home Department,
Secretariat,
Chennai.
- 3.The Tamil Nadu Public Service Commission,
Rep. by its Secretary,
Chennai – 3.



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4.The Registrar General,
The High Court of Judicature at Madras,
High Court Buildings,
Chennai.

5.The Registrar (Recruitment),
Madras High Court,
Chennai.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, to direct the second respondent to appoint the petitioner in the post of Civil Judge in the Tamil Nadu State Judicial Service w.e.f. 21.09.2024 with all attendant, service and monetary benefits in accordance with the memorandum dated 15.03.2024 (revised provisional selection list) issued by the third respondent and in the light of the order dated 21.08.2024 made in W.P.(MD)No.9581 of 2016, on the file of this Court within the period that may be stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy
Senior Counsel
for Mr.G.Karthik

For Respondents 1&2 : Mr.Veerakathiravan,
Additional Advocate General
Assisted by Mr.S.Shaji Bino
Special Government Pleader



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For Respondent No.3 : Mr.J.Anandkumar

For Respondents 4&5 : Mr.K.Samidurai

O R D E R

[Order of the Court was made by M.S.RAMESH, J.]

Through an order dated 15.03.2024, the Tamil Nadu Public Service Commission [TNPSC] had intimated the petitioner that he has been provisionally selected for appointment by direct recruitment to the post of Civil Judge in the Tamil Nadu State Judicial Service. However, the selection was provisional, subject to the writ petitions pending before this Bench relating to the recruitment. In the present Writ Petition, the petitioner seeks for issuance of a Writ of Mandamus to direct the second respondent to appoint him to the said post with effect from 21.09.2024.

2.After the petitioner was provisionally selected on 15.03.2024, the second respondent herein had addressed the TNPSC through a letter dated 13.08.2024, stating that the petitioner's father Thiru.S.V.Sriram's, community certificate, declaring him to belong to Hindu Kattunayakan community which is recognized as a "Scheduled Tribe", has been rejected as not genuine by the State Level Scrutiny Committee on 11.04.2016.



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Since the petitioner's father had challenged the rejection of his community certificate through a writ petition before this Bench in W.P.(MD)No.9581 of 2016 and the same was pending, TNPSC was advised to remove the name of the petitioner from the approved revised selection list. Subsequently, on 21.08.2024, a Coordinate Bench of this Court allowed the writ petition filed by the petitioner's father, by finding fault on the verification conducted by the State Level Scrutiny Committee. Consequently, the TNPSC has addressed a letter dated 30.10.2024 to the second respondent herein apprising of the decision in the writ petition in W.P.(MD)No. 9581 of 2016 and opined that the petitioner's selection cannot be cancelled.

3.The learned Additional Advocate General, on written instructions submitted that under Article 234 of the Constitution of India, appointment of persons other than District Judges to a Judicial Service of the State shall be made by the Governor of the State. According to him, the Government has already taken action for obtaining the approval of the Hon'ble Governor for appointment of the petitioner and sought for time to comply with the said orders.



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4.Now that both TNPSC, as well as the Government, have ratified that the petitioner is eligible to be appointed to the post of Civil Judge, the consequential order of appointment, which is now pending before the Hon'ble Governor is only a procedural aspect, which may consume further time. However, since the petitioner may lose the benefit of undergoing the training along with his batchmates, which may also have a bearing on his ultimate seniority, we are of the view that the petitioner may be provisionally permitted to join the post and undergo the necessary training, which shall be subject to the passing of the appointment order by the Hon'ble Governor.

5.Accordingly, the respondents 1 & 2 herein are called upon to pass necessary orders, permitting the petitioner to provisionally join the services as a Civil Judge in the Tamil Nadu State Judicial Service, with effect from the date on which his immediate junior in the final selection list had joined the service, subject to the final orders to be passed by the Hon'ble Governor. Such orders shall be passed atleast within a period of one [1] week from the date of receipt of a copy of this order.



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6.With the above direction, this Writ Petition stands allowed. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

[M.S.R.,J.] & [A.D.M.C.,J.]
24.01.2025

Neutral Citation : Yes/No
Index : Yes/No
Internet : Yes/No
MR



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To

- 1.The Principal Secretary to Government,
State of Tamil Nadu,
Home Department,
Secretariat,
Chennai.
- 2.The Additional Chief Secretary to Government,
Home Department,
Secretariat,
Chennai.
- 3.The Secretary,
Tamil Nadu Public Service Commission,
Chennai – 3.
- 4.The Registrar General,
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M.S.RAMESH, J.
and
A.D.MARIA CLETE, J.

MR

ORDER MADE IN
W.P.(MD)No.24779 of 2024

24.01.2025