

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Monday, the Twenty First day of October Two Thousand Nineteen

PRESENT

THE HON'BLE DR.JUSTICE VINEET KOTHARI ACTING CHIEF JUSTICE

and

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.Nos.29688, 29987, 28846, 28928, 29059, 30041, 29134, 29314 and
29672 of 2019 and W.P.(MD) Nos.20114, 20669, 21050, 21051, 21085,
21135 and 21406 of 2019

1 C.UMA BHUVANESHWARI ... PETITIONER in WP No.29688 of 2019

1 L.PADMAVATHY ... PETITIONER in WP No.29987 of 2019

2 J.V.LAKSHMI SHANMUGAPRIAY
ALL THE PETITIONERS ARE PRESENTLY
PRACTING AS AN ADVOCATES AT
HIGH COURT OF MADRAS, CHENNAI 600 104.

1 KAMESHWARAN ... PETITIONER in WP No.28846 of 2019

2 V. JAI BHARATHI

3 V. JOTHI LAKSHMI

4 C. ARCHANA
ALL THE PETITIONERS ARE
PRESENTLY PRACTICING AS AN ADVOCATES
AT HIGHT COURT OF MADRAS CHENNAI

R.DIVYA ... PETITIONER in WP No.28928 of 2019

M.RAMYA ... PETITIONER in WP No.29059 of 2019

C.RAJARAJESHWARI ... PETITIONER in WP No.30041 of 2019

V.PACKIARAJ ... PETITIONER in WP No.29134 of 2019

A.NISHWER JEELANI ... PETITIONER in WP No.29314 of 2019

M.SHOBANA ... PETITIONER in WP No.29672 of 2019

T.RAVICHANDRAN [PETITIONER IN WP(MD).20114/2019]
M.RAMKUMAR [PETITIONER IN WP(MD).20669/2019]
R.SOWNTHARAM [PETITIONER IN WP(MD).21050/2019]
M.SHAMILI [PETITIONER IN WP(MD).21051/2019]
G.RETHINA PRATHEEBA [PETITIONER IN WP(MD).21085/2019]
M.INIYAVAN [PETITIONER IN WP(MD).21135/2019]
K.NITHYANANDAM [PETITIONER IN WP(MD).21406/2019]

Vs

1 THE CHAIRMAN ... RESPONDENT in WP No.29688 of 2019
TAMIL NADU PUBLIC SERVICE COMMISSION TNPSC
ROAD VOC NAGAR PARK TOWN CHENNAI 600 003.

2 THE SECRETARY
TAMIL NADU PUBLIC SERVICE COMMISSION TNPSC
ROAD VOC NAGAR PARK TOWN CHENNAI 600 003.

3 THE CONTROLLER OF EXAMINATION
TAMIL NADU PUBLIC SERVICE COMMISSION TNPSC
ROAD VOC NAGAR PARK TOWN CHENNAI 600 003.

1 STATE OF TAMIL NADU ... RESPONDENT in WP No.29987 of 2019
REP. BY ITS PRINCIPAL SECRETARY TO
GOVERNMENT HOME (COURTS I) DEPARTMENT
FORT ST.GEORGE CHENNAI 600 009.

2 THE CHAIRMAN
TAMIL NADU PUBLIC SERVICE COMMISSION
FRAZERS BRIDGE ROAD CHENNAI 600 001

3 THE SECRETARY
TAMIL NADU PUBLIC SERVICE COMMISSION
FRAZERS BRIDGE ROAD CHENNAI 600 001

4 THE REGISTRAR GENERAL
MADRAS HIGH COURT CHENNAI 600 104

5 THE REGISTRAR - RECRUITMENT
MADRAS HIGH COURT CHENNAI 600 104

1 STATE OF TAMIL NADU ... RESPONDENT in WP No.28846 of 2019
REP. BY ITS PRINCIPAL SECRETARY TO GOVT.
PUBLIC (SPECIAL A) DEPARTMENT FORT ST.

GEORGE CHENNAI 600 009.

2 THE CHAIRMAN
TAMIL NADU PUBLIC SERVICE COMMISSION
FRAZERS BRIDGE ROAD CHENNAI 600 001.

3 THE SECRETARY
TAMIL NADU PUBLIC SERVICE COMMISSION
FRAZERS BRIDGE ROAD CHENNAI 600 001.

4 THE REGISTRAR GENERAL
MADRAS HIGH COURT CHENNAI 600 104.

5 THE REGISTRAR RECRUITMENT
MADRAS HIGH COURT CHENNAI 600 104

1 THE REGISTRAR GENERAL ... RESPONDENT in WP No.28928 of 2019
HIGH COURT OF MADRAS CHENNAI 600 104.

2 THE TAMIL NADU PUBLIC SERVICE
COMMISSION REP. BY ITS SECRETARY
CHENNAI 600 003.

1 STATE OF TAMIL NADU ... RESPONDENT in WP No.29059 of 2019
REP. BY ITS SECRETARY HOME DEPARTMENT
FORT ST. GEORGE CHENNAI 9.

2 HIGH COURT MADRAS
REP. BY ITS REGISTRAR GENERAL CHENNAI 104.

3 TAMILNADU PUBLIC SERVICE
COMMISSION REP. BY ITS SECRETARY
FRAZER BRIDGE ROAD CHENNAI 1.

4 THE BAR COUNCIL OF TAMIL NADU
AND PUDUCHERRY REP. BY ITS SECRETARY
CHENNAI.

1 STATE OF TAMILNADU ... RESPONDENT in WP No.30041 of 2019
REP. BY ITS SECRETARY HOME DEPARTMENT
FORT ST. GEORGE CHENNAI 9.

2 HIGH COURT MADRAS
REP. BY ITS REGISTRAR GENERAL CHENNAI 104

3 TAMILNADU PUBLIC SERVICE
COMMISSION REP. BY ITS SECRETARY FRAZER
BRIDGE ROAD CHENNAI 1.

4 BAR COUNCIL OF INDIA
REP. BY ITS CHAIRMAN 21 ROUSE AVENUE

INSTITUTIONAL AREA NEAR BAL BHAWAN
NEW DELHI 110 002

5 THE BAR COUNCIL OF TAMIL NADU
AND PUDUCHERRY REP. BY ITS SECRETARY
CHENNAI

1 THE CHAIRMAN ... RESPONDENT in WP No.29134 of 2019
TAMIL NADU PUBLIC SERVICE COMMISSION VOC
STREET PARK TOWN CHENNAI 600 003.

2 THE SECRETARY
TAMIL NADU PUBLIC SERVICE COMMISSION
VOC STREET PARK TOWN CHENNAI 600 003.

1 THE CHAIRMAN ... RESPONDENT in WP No.29314 of 2019
TAMIL NADU PUBLIC SERVICE COMMISSION
FRAZERS BRIDGE ROAD CHENNAI - 600 001.

2 THE SECRETARY
TAMIL NADU PUBLIC SERVICE COMMISSION
FRAZERS BRIDGE ROAD CHENNAI - 600 001.

3 THE REGISTRAR-GENERAL
MADRAS HIGH COURT CHENNAI 600 104.

4 THE REGISTRAR-RECRUITMENT
MADRAS HIGH COURT CHENNAI 600 104.

1 THE SECRETARY ... RESPONDENT in WP No.29672 of 2019
TAMIL NADU PUBLIC SERVICE COMMISSION TNPSC
ROAD PARK TOWN V.O.C NAGAR CHENNAI 600 003

1 THE REGISTRAR GENERAL [1 TO 3 RESPONDENTS IN
HIGH COURT MADRAS WP (MD) .20114/2019]
HIGH COURT CAMPUS CHENNAI
CHENNAI-600 104

2 THE STATE OF TAMILNADU
REP.BY ITS PRINCIPAL SECRETARY TO GOVERNMENT
HOME (COURTS-1) DEPARTMENT,
SECRETARIAT, CHENNAI-600009

3 THE SECRETARY
TAMIL NADU PUBLIC SERVICE COMMISSION
TNPSC ROAD, PARK TOWN,
CHENNAI-600 003

1 THE SECRETARY [RESPONDENT IN WP(MD).20669/2019]
TAMIL NADU PUBLIC SERVICE COMMISSION
TNPSC ROAD, PARK TOWN,
VOC NAGAR CHENNAI-600 003

1 THE REGISTRAR GENERAL, [1 TO 4 RESPONDENTS
HONORABLE HIGH COURT OF MADRAS, IN WP(MD).21050/2019]
CHENNAI - 600104

2 THE REGISTRAR JUDICIAL,
HONORABLE MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI - 625023

3 STATE OF TAMIL NADU,
REP. BY ITS SECRETARY TO GOVERNMENT,
HOME DEPARTMENT, FORT ST. GEORGE,
CHENNAI 600109

4 THE SECRETARY,
TAMIL NADU PUBLIC SERVICE COMMISSION,
TNPSC ROAD, V.O.C.NAGAR,
PARK TOWN, CHENNAI - 03

1 THE REGISTRAR GENERAL, [1 TO 4 RESPONDENTS
HONORABLE HIGH COURT OF MADRAS, IN WP(MD).21051/2019]
CHENNAI - 600104

2 THE REGISTRAR JUDICIAL,
HONORABLE MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI - 625023

3 STATE OF TAMIL NADU,
REP. BY ITS SECRETARY TO GOVERNMENT,
HOME DEPARTMENT, FORT ST. GEORGE,
CHENNAI 600109

4 THE SECRETARY,
TAMIL NADU PUBLIC SERVICE COMMISSION,
TNPSC ROAD, V.O.C.NAGAR, PARK TOWN,
CHENNAI - 03

1 STATE OF TAMILNADU [1 TO 3 REPENDENTS IN
REP.BY ITS SECRETARY TO GOVERNMENT WP(MD).21085/2019]
HOME DEPARTMENT, FORT.ST.GEORGE,
CHENNAI 600009

2 THE REGISTRAR GENERAL
HIGH COURT, MADRAS 600 104

3 TAMIL NADU PUBLIC SERVICE COMMISSION,
FRAZER BRIDGE ROAD,
CHENNAI 600 001
REP.BY ITS SECRETARY

1 STATE OF TAMIL NADU [1 TO 3 RESPONDENTS
REP. BY ITS SECRETARY TO GOVT., IN WP(MD).21135/2019]
HOME DEPT., FORT ST. GEORGE, CH-9

2 THE REGISTRAR GENERAL
HIGH COURT OF MADRAS, CHENNAI-104

3 TAMIL NADU PUBLIC SERVICE COMMISSION,
FRAZER BRIDGE ROAD, CHENNAI 600 001.
REP. BY ITS SECRETARY.

1 THE SECRETARY, [RESPONDENT IN
TAMIL NADU PUBLIC SERVICE WP(MD).21406/2019]
COMMISSION, TNPSC ROAD,
PARK TOWN, V.O.C.NAGAR,
CHENNAI - 03

Writ Petitions under Article 226 of the Constitution of India praying that in the circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to issue a Writ of Certiorari

(1) WP No.29688 of 2019
to Call for the entire records related to Advertisement No. 555/2019, Notification No. 25/2019, dated 09.09.2019, issued by the respondents and to quash the same as illegal

(2) WP No.29987 of 2019
to issue a Writ of Certiorarified Mandamus Calling for the clause (3) (B) (II) (iv) of the Notification No25/2019 vide Advertisement No.555/2019 dated 09/09/2019 issued by the Tamil Nadu Public Service commission viz the 3rd respondent herein and Clause (9) (3) of the Tamil Nadu State Judicial Service (Cadre and Recruitment Rules, 2007 issued by the 1st respondent for the post of Civil Judge in so far as prescribing Fresh law graduates are those who have obtained the degree of law within a period of three years prior to the date of Notification and quash the said clauses as redundant and unnecessary and to consequently direct the respondents to permit the petitioners to apply in the category of Fresh Law Graduates for Appointment to the post of Civil Judges in the Tamil Nadu State Judicial service

(3) WP No.28846 of 2019
to issue a Writ of Certiorarified Mandamus Calling for the clause

(3) (B) (II) (iv) of Notification No. 25/2019 vide Advertisement No. 555/2019 dated 09.09.2019 issued by the Tamil Nadu Public Service Commission viz., the 2nd Respondent herein and Clause (9) (3) of the Tamil Nadu State Judicial Service (Cadre and Recruitment) Rules, 2007 issued by the 1st Respondent for the post of Civil Judge in so far as prescribing Fresh law graduates are those who have obtained the degree of law within a period of three years prior to the date of Notification and quash the said clauses as redundant and unnecessary and to consequently direct the respondents to permit the petitioners to apply in the category of Fresh Law Graduates for Appointment to the post of Civil Judges in the Tamil Nadu State Judicial Service

(4) WP No.28928 of 2019

to issue a Writ of Certiorari Mandamus Calling for the records of the impugned rejection of application of the petitioner dated 26.09.2019, which was downloaded from the 2nd Respondents website and quash the same, and consequently direct the Respondents to accept the application and candidature of the petitioner in Fresh Law Graduate and permit her to participate in the selection process of Civil Judge as per the Notification No. 25 of 2019 dated 09.09.2019 issued by the 2nd Respondent herein.

(5) WP No.29059 of 2019

to issue a Writ of Declaration Declaring that the second condition of column 4 in Serial No. 9 in the Schedule notified under Rule 5 relating to Method of Appointment, qualification and the Age of the Tamilnadu State Judicial Service (Cadre and Recruitment) Rules 2007 and the condition No. iv of Paragraph 3-B (II) of the Recruitment Notification issued by the 3rd respondent in Advertisement No. 555/2019 and Notification No. 25/2019, dated 9.9.2019 for appointment to the post of Civil Judge in Tamil Nadu State Judicial Service as arbitrary, irrational, unreasonable, discriminatory and unconstitutional and consequently direct the 3rd respondent to receive the petitioner application for appointment to the above post pursuant to the above notification, without reference the condition that one should have completed the Bachelor's Degree of Law, within a period of 3 years prior to date of notification and to consider her for selection and appointment to the post of Civil Judge as per the above notification under BC category on merits

(6) WP No.30041 of 2019

to issue a Writ of Declaration Declaring that the condition that the candidate Must have obtained the Bachelors Degree of Law within a period of three years prior to the date notification stipulated and prescribed in column 4 in serial No. 9 in the Schedule notified under Rule 5 relating to Method of Appointment, qualification and the Age of the Tamil nadu state Judicial Service (Cadre and Recruitment) Rules 2007 and the condition No. iv of Paragraph 3-B (II) of the Recruitment Notification issued by the 3rd respondent in Advertisement No. 555/2019 and Notification No. 25/2019, dated 9.9.2019 for appointment to the post of Civil Judge in Tamilnadu State judicial service as arbitrary, irrational, unreasonable,

discriminatory and unconstitutional and consequently direct the 3rd respondent to receive the petitioner application for appointment to the above post pursuant to the above notification , without reference the condition that one should have completed the Bachelor's Degree of Law, within a period of 3 years prior to date of notification and to consider her for selection and appointment to the post of Civil Judge as per the above notification under BC Category on merits

(7) WP No.29134 of 2019

to issue a Writ of Mandamus Directing the Respondents to permit the petitioner to submit the application for the Notification No. 25 of 2019 / daated 9.09.2019 for the recruitment to the post of Civil Judge in Tamil Nadu State Judicial Service in any mode and accept the same and permit the Petitioner to participate in all stages of the recruitment process

(8) WP No.29314 of 2019

to issue a Writ of Certiorarified Mandamus to amend the notification under the category of Fresh Graduates as per the Notification No. 25/2019 dated 09.09.2019 (vide Advertisement No. 555/2019) for direct recruitment to the post of Civil Judge in the Tamil Nadu State Judicial Service was issued by the Tamil Nadu Public Service Commission, under the fresh category candidates to be eligible, from the date of enrolment of the candidate along with the date of publication of result of the last semester of the candidate.

(9) WP No.29672 of 2019

Writ of Declaration Declaring the the notification No. 25 of 2019 dated 09.09.2019 issued by the respondent is illegal as it prevents the petitioner and others who passed in the month of May 2016 form applying for the post of Civil Judge either as a practicing advocate or as a freh law graduate in spite of having all required essential qualifications and consequently direct the respondent to rectify the flaw in clause 3 B of the notification and receive the application of the petitioner and allow her to participate in the examination

(10)WP (MD).20114/2019

issue an order or direction of a writ more specifically in the natue of writ of certiorarified mandamus calling for the entire records of the 1st and 2nd respondent pertaining to the published Tamil Nadu State Judicial Service (Cadre and Recruitment) Rules 2007 in Rule (5) serial No.9 of the schedule column 3 qualification, sub class(2) and (3) quash the same as illegal and direct the respondents to publish afresh rules with Age relaxation/abolish 3 years experience for Civil Judge Examination in a stipulated time period under the direct monitoring of this Hon'ble Court

(11)WP(MD).20669/2019

pass a writ or order particularly in the nature of writ of certiorarified mandamus to call for the records with regard to Notification No.25/2019 dated 09.09.2019 issued by respondent and quash the clause (iv) of 3(B) (II)of Notification No.25/2019 dated 09.09.2019 and consequently directing the respondent to amend the clause (iv) of 3(B) (II) of notification no.25/2019 dated 09.09.2019 on the file of this respondent to the effect that "Bachelor degree of Law" must have been obtained "during the year 2016 or thereafter" for the category of "Fresh Law Graduates" and pass such further or other orders

(12) WP(MD).21050/2019

issue a writ of mandamus or any other appropriate writ or order or direction in the nature of writ, directing the respondents to accept the petitioner application for the post of Civil Judge in the Tamil Nadu State Judicial Service in the prescribed format as per the provisions under the Tamil Nadu Judicial Service (Cadre and Recruitment Rules), 2007 and permit the petitioner to write the examination for the post of Civil Judge as stated in the Advertisement No. 555/ 2019, Notification No. 25/ 2019, dated 09.09.2019

(13) WP(MD).21051/2019

issue a writ of mandamus or any other appropriate writ or order or direction in the nature of writ, directing the respondents to accept the petitioner application for the post of Civil Judge in the Tamil Nadu State Judicial Service in the prescribed format as per the provisions under the Tamil Nadu Judicial Service (Cadre and Recruitment Rules), 2007 and permit the petitioner to write the examination for the post of Civil Judge as stated in the Advertisement No. 555/ 2019, Notification No. 25/ 2019, dated 09.09.2019

(14)n WP(MD).21085/2019

issue any orders, directions or writ in particular a writ of certiorarified mandamus calling for the records pertaining to the impugned notification 25/2019 of the 3rd respondent, dated 09.09.2019 quash only Condition 3(B) of the said notification with a consequential direction directing the respondents herein to modify the condition mentioned in clause 3(B) of the notification so as to consider the eligibility for the fresher's category from the date of completion of degree to that of the date of enrolment and the crucial date from the date of notification to that of the respective month of the academic year of the notification

(15)in WP(MD).21135/2019

issue any orders, directions or writ in particular a writ of certiorarified mandamus Calling for the records pertaining to the impugned notification 25/2019 of the 3rd respondent, dated 09.09.2019 quash only condition 3(B) of the said notification with a consequential direction directing the respondent herein to modify the condition mention in clause 3(B) of the notification so as to consider the eligibility for the freshers category from the date of

completion of degree to that of the date of enrolment and the crucial date from the date of notification to that of the respective month of the academic year of the notification

(16) in WP(MD).21406/2019

pass a writ or order particularly in the nature of writ of certiorarified mandamus to call for the records with regard to Notification No. 25/ 2019 dated 09.09.2019 issued by the respondent and quash the Clause (iv) of 3(B) (II) of Notification No. 25/ 2019 dated 09.09.2019 and consequently directing the respondent to amend the clause (iv) of 3(B) (II) of Notification No. 25/ 2019 dated 09.09.2019 on the file of this Respondent to the effect that Bachelors degree of Law must have been obtained during the Year 2016 or thereafter for the category of Fresh Law Graduates respectively.

Order : These petitions coming on for orders upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of M/S.A.GOUTHAMAN, Advocate for the petitioner in WP.29688/2019 and of M/S.ALI HASSAN KHAN Advocate for the petitioner in WP.29987/2019 and of MR.KARTHICK RAJA for M/S.K.S.SARAVANAN Advocate for the petitioner in WP.28846/2019 and of MR.K.BALU Advocate for the petitioner in WP.28928/2019 and of MR.V.AJAY KHOSE Advocate for the petitioner in WP.29059, 30041/2019 and of MR.M.PURUSHOTHAMAN Advocate for the petitioner in WP.29134/2019 and of MR.B.SASIDARAN Advocate for the petitioner in WP.29314/2019 and of M/S.K.C.KARL MARX Advocate for the petitioner in WP.29672/2019 and of M/S.S.MANDHIRALINGESWARAN, Advocate for the petitioner in WP(MD).20114/2019 and of M/S.D.DHANA CHANDRA PRAKASH, Advocate for the petitioner in WP(MD).20669 & 21406/2019 and of MR.DEVARAJ MAHESH FOR M/S.K.NEELAMEGAM, Advocate for the petitioner in WP(MD).21050 & 21051/2019 and of M/S.POLAX LEGAL SOLUTIONS, Advocate for the petitioner in WP(MD).21085 & 21135/2019 and of M/S.C.N.G.NIRAIMATHI STANDING COUNSEL on behalf of the Respondents 1 to 3 in WP.29688/2019 and for the respondents 2 & 3 in WP.29987, 28846/2019 and for the 2nd respondent in WP.28928/2019, and for the 3rd respondent in WP.29059, 30041/2019 and for the respondents 1 & 2 in WP.29134, 29314/2019 and for the respondent in WP.29672/2019 and for the 3rd respondent in WP(MD).21085, 20114&21135/2019 and 4th respondent in WP(MD).21050& 21051/2019 and respondent in WP(MD).20669&21406/2019 and of MR.VIJAY NARAYANAN Advocate General Assisted by MR.V.JAYAPRAKASH NARAYANAN GOVT.PLEADER for the 1st respondent in WP.29987, 28846, 29059, 30041/2019 and for the 1st respondent in WP(MD).21085/2019 and 2nd respondent in WP(MD).20114/2019 and 3rd respondent in WP(MD).21050&21051/2019 and 1st respondent in WP(MD).21135/2019 and of MR.B.VIJAY Advocate for the respondents 4 & 5 in WP.29987, 28846/2019 and for the 1st respondent in WP.28928/2019 and for the 2nd respondent in WP.29059 & 30041/2019 and for the respondents 3 & 4 in WP.29314/2019 Advocate and for the 2nd respondent in WP(MD).21085/2019 and 1st respondent in WP(MD).20114/19 and 1&2 respondents in WP(MD).21050 & 21051/2019 and 2nd respondent in WP(MD).21135/2019 the court made the following

order:-

(Order of the Court was made by
the Hon'ble Acting Chief Justice)

We are passing this common interim order in the present batch of writ petitions filed by the "Fresh Law Graduates", who were aspiring to apply for the post of **Civil Judge** in pursuance of the Notification issued by the Tamil Nadu Public Service Commission (for brevity, "**the TNPSC**") vide Notification No.25/2019, dated 9.9.2019, with the last date of giving online applications being 9.10.2019.

2. The Eligibility Criteria stipulated in the said Notification dated 9.9.2019 was given in consonance with the Tamil Nadu State Judicial Service (Cadre and Recruitment) Rules, 2007 (for brevity, "**the Rules**"), which is quoted below:

"4. ELIGIBILITY

i. A CANDIDATE FOR DIRECT RECRUITMENT TO THE SERVICE

- a) Must be a citizen of India;
- b) Should possess adequate knowledge to read, write and speak in English and Tamil.

Note:-Applicants who do not possess an adequate knowledge in Tamil may also apply. If selected, they should pass the Second Class Language Test in Tamil within the period of probation.

ii. CHARACTER AND CONDUCT:

- a) The character of a candidate must be such as to make him suitable in all respects for appointment to the Service. He must produce a certificate of character and conduct given after the date of notification from **three responsible persons** not related to the applicant in the format prescribed in Annexure-A. Out of the three persons certifying, one must be a Senior Advocate or Advocate and the other two shall be responsible persons, not being relatives of the applicants but who are well acquainted with the applicant in his/her personal life.

Note:

The persons certifying need not be Gazetted Officers or Government Servants or Judicial Officers.

- b) No person shall be appointed as a member of the Service unless he is in good mental and physical health and free from any disability, except a person who is claiming reservation under Rule 10 of the Rules. Before appointment, candidates

with disability shall be required to appear before a Medical Board constituted for assessment which will examine them and certify that they are fit for appointment to the service and their disability will not affect the effective performance of duty as a member of the service.

iii. Must satisfy other conditions prescribed for appointment to the post of Civil Judge."

3. The schedule of examination as given in paragraph (2) of the said notification dated 9.9.2019 is also quoted below for ready reference:

"2. IMPORTANT DATES AND TIME

Date of notification	09.09.2019	
Last date for submission of application	09.10.2019	
Last date for payment of fee through Bank	11.10.2019	
Date of Written Examination		
Preliminary Examination	24 .11.2019	10.00 A.M. to 01.00 P.M.
	28.03.2020	09.00 A.M. to 12.00 Noon.
Main Examination	28.03.2020	02.00 P.M. to 05.00 P.M.
	29.03.2020	09.00 A.M. to 12.00 Noon.
	29.03.2020	02.00 P.M. to 05.00 P.M.

4. The Essential Qualifications as given in paragraph 3(B) of the said Notification are also quoted below for ready reference:

(B) ESSENTIAL QUALIFICATIONS (As on 09.09.2019)_

The Applicants should possess the following qualification:

सत्यमेव जयते

WEB COPY

I.	For Practising Advocates/ Pleaders and Assistant Public Prosecutors:	<p>(i) Must possess a Degree in Law of a University in India established or incorporated by or under a Central Act or a State Act or an Institution recognised by the University Grants Commission, or recognized by Bar Council of India or any other equivalent qualification and enrolled in the Bar Council of Tamil Nadu or in the Bar Council of any other State in India</p> <p style="text-align: center;">and</p> <p>(ii)(a) Must be practising as an Advocate or Pleader in any Court on the date of Notification for recruitment to the post and must have so practiced for a period of not less than 3 years on such date.</p> <p style="text-align: center;">(or)</p> <p>(b) Must be an Assistant Public Prosecutor having not less than 3 years of experience as an Advocate and / or Assistant Public Prosecutor.</p>
II.	For Fresh Law Graduates	<p>(i) Must be a fresh Law Graduate possessing a degree in Law from a recognized University as mentioned in Clause-I (i) above,</p> <p>(ii) Must be eligible to be enrolled as an advocate.</p> <p>(iii) Must have secured an overall percentage of marks in acquiring the Bachelor's Degree of Law as below:-</p> <p>(a) 45% Marks in case of Reserved Categories (i.e SCs, SC(A)s, STs, MBCs/DCs, BCs(OBCMs) and BCMs).</p> <p>(b) 50% Marks in case of Open Category (i.e Others).</p> <p>(iv) Must have obtained the Bachelor's Degree of Law within a period of three years prior to the date of notification.</p>

5. The petitioners before us sought to apply for the said direct recruitment to the post of Civil Judge online as required in the said notification, as only online applications were allowed on or before 11.59 PM on 9.10.2019, but their applications could not be uploaded for the following reasons, as contended in the writ petitions filed by these petitioners.

6. The petitioners have come with the case that their applications were not accepted online because even though they passed their Final Year Law Examination from the duly approved Universities in the year 2016, but their Provisional Certificates for the Degree of the said B.L. Examination were issued on a date which fell prior to 9.9.2016 and, thus, their Law Degree was not issued "within a period of three years prior to the date of notification". They contended that their batchmates or the Law Graduates of the year 2016 itself from the same University/Universities similarly situated to them, but by a fortuitous circumstance, because their Provisional Certificate for Degree was issued after 9.9.2016, but before 9.9.2019, they

were treated as having obtained Law Degree "within three years" prior to the date of Notification dated 9.9.2019 and their applications were entertained online and thus, they became eligible to participate in the said recruitment process as per the Notification dated 9.9.2019. This, according to the learned counsel for the petitioners, has caused invidious discrimination violative of Article 14 of the Constitution of India, without any rational nexus sought to be achieved by the said Notification in accordance with the Rules and, therefore, they prayed for necessary mandamus for directing the respondent TNPSC to entertain their applications also by providing them a one time opportunity in this very recruitment process, as the examinations for the said recruitment are yet to commence on 24.11.2019 and Hall tickets to others are also yet to be issued.

7. The learned counsel for the petitioners have relied upon paragraph (32) of the judgment of Supreme Court in **All India Judges Association and others v. Union of India and others, (2002) 4 SCC 247 : AIR 2002 SC 1752**, which is quoted below for ready reference:

"32. In *All India Judges' Association v. Union of India, (1993) 4 SCC 288* this Court has observed that in order to enter the judicial service, an applicant must be an advocate of at least three years' standing. Rules were amended accordingly. With the passage of time, experience has shown that the best talent which is available is not attracted to the judicial service. A bright young law graduate after 3 years of practice finds the judicial service not attractive enough. It has been recommended by the Shetty Commission after taking into consideration the views expressed before it by various authorities, that the need for an applicant to have been an advocate for at least 3 years should be done away with. After taking all the circumstances into consideration, we accept this recommendation of the Shetty Commission and the argument of the learned amicus curiae that it should be no longer mandatory for an applicant desirous of entering the judicial service to be an advocate of at least three years' standing. We, accordingly, in the light of experience gained after the judgment in *All India Judges* case direct to the High Courts and to the State Governments to amend their rules so as to enable a fresh law graduate who may not even have put in three years of practice, to be eligible to compete and enter the judicial service. We, however, recommend that a fresh recruit into the judicial service should be imparted training of not less than one year, preferably two years."

8. The learned counsel for the respondent TNPSC, Ms.Niraimathi, and the learned counsel for the High Court, Mr.B.Vijay, have, however, submitted that the Notification dated 9.9.2019 has been issued perfectly in consonance with the judgment of the Hon'ble Supreme Court of India cited above and the Rules of 2007, and since the Provisional Certificate or Law Degree obtained by these fresh Law Graduates were not bearing the date "*within three years from the date of Notification dated 9.9.2019*", namely on or after 9.9.2016, the online system of the TNPSC could not accept these applications and the same does not amount to any discrimination violative of Article 14 of the Constitution of India. In other words, they have justified the non-acceptance of the online applications of the present petitioners and other similarly situated persons.

9. We have heard the learned counsel at some length and we pass the following interim order, **while admitting all these writ petitions**, for final hearing at a later stage:

- i. The respondent TNPSC shall provide the facility by opening the online window immediately for submitting the applications by the Fresh Law Graduates of recognized Universities of the year **2016** and those who have obtained their Provisional Law Degree Certificate on any date before the date specified in the Notification bearing No.25/2019, dated 9.9.2019.
- ii. The candidates will have to satisfy the other criteria prescribed in the Notification, including the criteria of minimum and maximum age as provided in the said Notification, without any relaxation.
- iii. This facility under the present interim order of this Court **shall be available only up to 11.59 PM of Tuesday, 29.10.2019** and under no circumstances this date will be further extendable.
- iv. The candidates of the aforesaid category or class, namely "Fresh Law Graduates of 2016" will be entitled to apply online in the aforesaid manner irrespective of the fact whether they have approached the Court by way of writ petition or not. We make it clear that no fresh writ petition for the said purpose by the candidates falling in the aforesaid category is required to be filed nor the same will be entertained and irrespective of the filing of writ petitions, such candidates will be entitled to apply online, provided they satisfy the other conditions and criteria, as stipulated hereinabove and in the Notification dated 9.9.2019.

- v. These Fresh Law Graduates of the year 2016 shall also be allowed to pay the prescribed fees online for their examination within the aforesaid window period of 21.10.2019 to 29.10.2019. The last date for off-line payment of prescribed fees shall close on 31.10.2019.
- vi. The respondent TNPSC shall publish this interim order of the Court on their official website and the High Court shall also publish this interim order of the Court on the official website of the Madras High Court, forthwith.
- vii. The respondent TNPSC shall process these online applications filed between 21.10.2019 and 29.10.2019 in the same manner as has been done for the other candidates, who have already applied online prior to the cut-off date of 9.10.2019 and issue Hall tickets to all the candidates in similar manner and allow them to appear in the examinations, declare their results.

This interim order shall remain subject to the final decision of these writ petitions.

-sd/-

21/10/2019

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE CHAIRMEN
TAMIL NADU PUBLIC SERVICE COMMISSION,
TNPSC ROAD, VOC NAGAR,
PARK TOWN, CHENNAI 600 003.

2 THE SECRETARY
TAMIL NADU PUBLIC SERVICE COMMISSION, TNPSC
ROAD, VOC NAGAR, PARK TOWN, CHENNAI 600 003.

3 THE CONTROLLER OF EXAMINATION
TAMIL NADU PUBLIC SERVICE COMMISSION, TNPSC
ROAD, VOC NAGAR, PARK TOWN, CHENNAI 600 003.

4 THE PRINCIPAL SECRETARY
TO GOVERNMENT,
THE GOVERNMENT OF TAMILNADU
HOME (COURTS I) DEPARTMENT
FORT ST.GEORGE CHENNAI 600 009.

5 THE REGISTRAR GENERAL
MADRAS HIGH COURT CHENNAI 600 104

6 THE REGISTRAR - RECRUITMENT
MADRAS HIGH COURT CHENNAI 600 104

7 THE PRINCIPAL SECRETARY TO
GOVERNMENT, GOVERNMENT OF TAMILNADU
PUBLIC (SPECIAL A) DEPARTMENT
FORT ST. GEORGE CHENNAI 600 009.

8 THE SECRETARY,
BAR COUNCIL OF TAMIL NADU
AND PUDUCHERRY,
CHENNAI.

9 THE CHAIRMAN
BAR COUNCIL OF INDIA
21 ROUSE AVENUE
INSTITUTIONAL AREA NEAR BAL BHAWAN
NEW DELHI 110 002

10 THE REGISTRAR JUDICIAL,
HIGH COURT, CHENNAI-104.

11 THE REGISTRAR JUDICIAL,
HON'BLE MADURAI BENCH
OF MADRAS HIGH COURT,
MADURAI - 625023

12 THE SECTION OFFICER,
LEGAL CELL, HIGH COURT,
CHENNAI-104.

C.C. to A.GOUTHAMAN Advocate on payment of necessary charges

C.C. to MR.K.S.SARAVANAN Advocate SR.NO.12493

C.C. to MR.ALI HASAN KHAN Advocate SR.NO.12492

C.C. to MR.K.C.KARL MARX Advocate SR.NO.12471

+2C.C. to MR.V.AJAY KHOSE Advocate SR.NO.12490 & 12491

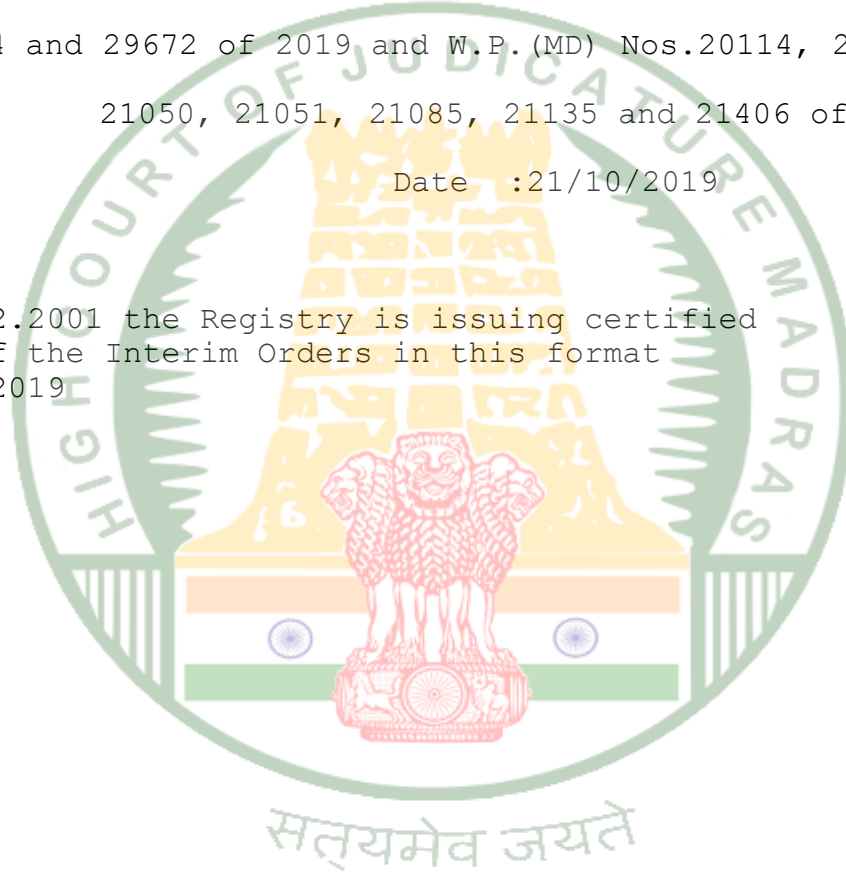
The Government Pleader, High Court, Madras - 104.

Order

in
W.P.Nos.29688, 29987, 28846, 28928, 29059, 30041, 29134,
29314 and 29672 of 2019 and W.P. (MD) Nos.20114, 20669,
21050, 21051, 21085, 21135 and 21406 of 2019

Date :21/10/2019

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
VS 21.10.2019



WEB COPY