

SYNOPSIS

The present Special Leave Petition is being filed aggrieved by the impugned order dated 13.01.2020 passed by the Hon'ble High Court of Judicature at Madras in W.M.P.No.113 of 2020 in Writ Petition No.95of 2020, whereby pending the consideration of the main writ petition the Hon'ble High Court rejected the application to permit the Petitioner to appear for the forthcoming examination for recruitment of District Judges with the last date for submission of application being 31.01.2020. The Hon'ble High Court having agreed to examine the contentions raised in the writ petition refused to grant the interim relief pending the writ petition, which seriously affect the right of the Petitioner as,if in case of the writ petition being allowed at a later date the petitioner would still be deprived of being considered for the recruitment.

The Respondent No.1 issued Notification No.1/2019 dated 13.01.2019 calling for District Judge (Entry Level) Direct Recruitment for Tamil Nadu State Judicial Services for filling up 31 vacancies, which exercise was undertaken after a gap of six years inspite of vacancies since 2013. In this notification the Respondent fixed the minimum age criteria as 35 years for all categories and maximum age limit as 48 years for reserved category candidates (BC/MBC/SC/ST) and 45 years for general category (UR).

The Respondents conducted higher judicial service examination vide Notification No.1 of 2019 for the post of District

Judge (Entry Level). The said notification fixed upper age limit as 48 years for reserved categories BC/MBCs. The fact that total 3562 lawyers, pleaders, assistant public prosecutors and serving judicial officers who wrote the preliminary examination for appointment as District Judge in the state of Tamil Nadu none of them cleared the preliminary examination. Therefore the present Notification No.2/2019 dated 12.12.2019 has been issued by the 2nd Respondent in concurrence with the 3rd Respondent to fill up the 32 vacant posts of District Judges (Entry Level) under direct recruitment.

The said Notification is in continuation of the earlier notification which became a futile exercise and hence all the eligibility criteria was maintained including the reckoning the age as on 01.07.2019 but altered the upper age limit for BC/ MBC categories from 48 to 45 years. The candidates are directed to apply on or before 08.01.2020. By way of a corrigendum extended the last date for applying upto 31.01.2020.

The Hon'ble High Court failed to appreciate that the Respondents without any valid reasons reduced the upper age limit 48 to 45 years which is contrary to their own previous notification in the same calendar year with same cut of date i.e.01.07.2019 and also the fact that the recruitment had not happened since 2013 inspite of vacancies thereby depriving the right of persons who are reaching the cut off date and also had the legitimate expectation of being considered. The various states

are following upper age limit 48 years for reserved category candidates i.e., BCs. The Hon'ble High court without considering the above facts and by a non-reasoned order, dismissed the interim application filed by the Petitioner rejecting the request to permit the Petitioner to apply for and undertake the exam pending disposal of the writ petition. If the Petitioner is not granted the permission to apply and take up the exam, the writ petitions would become infructuous and the Petitioner would loss his valuable fundamental right, more particularly when the Hon'ble Court has agreed to examine the contentions in the writ petition and has adjourned the matter for completion of pleading. Hence the present Special Leave Petition is filed.

LIST OF DATES AND EVENTS

2013: The last recruitment process was done for recruitment of District Judges (Entry Level) under the Tamil Nadu Judicial Service. In spite of pending vacancies the Respondents did not come forward for any recruitment process till the year 2019.

24.11.2017 : The Respondent No.1- Additional Chief Secretary issued amendment to the Tamil Nadu State Judicial Service (Cadre and Recruitment) Rules, 2007. Minimum age limit 35 years and maximum 45 years fixed for Backward Classes candidates. True copy of the Tamil Nadu Gazette Notification No.376 dated

24.11.2017 is annexed hereto and marked as ANNEXURE – P1(page to).

2018 : The Hon'ble High Court of judicature at Madras issued annual report indicating the vacancy position of various cadres of judicial officers in the state of Tamil Nadu. The bar chart exhibits that 93 posts of District Judges which includes District Judge (Entry Level) posts are lying vacant out of 285 sanctioned strength of District Judges. True copy of the relevant extract of the High Court's Annual Report 2018 dated nil, 2018 is annexed hereto and marked as ANNEXURE – P2 (page to).

13.01.2019 : The Respondent No.1 issued Notification No.1/2019 dated 13.01.2019 calling for District Judge (Entry Level)by Direct Recruitment for Tamil Nadu State Judicial Services for filling up 31 vacancies, which is due since 2014. In this notification the Respondent fixed the minimum age criteria as 35 years for all categoriesand maximum age limit as 48 yearsfor reserved category candidates (BC/MBC/SC/ST) and 45 for general category (UR). True copy of the Notification No.1 of 2019 issued by the State of Tamil Nadu dated 13.01.2019is annexed

hereto and marked as ANNEXURE – P3 (page to).

06.04.2019: The Respondents conducted judicial service examination based on the Notification No.1 of 2019 for the post of District Judge (Entry Level). The said notification fixed upper age limit is 48 years for reserved categories. The fact that total 3562 lawyers, pleaders, assistant public prosecutors and serving judicial officers who wrote the preliminary examination for appointment as District Judge in the state of Tamil Nadu. None them cleared the preliminary examination, therefore present Notification No.2/2019 dated 12.12.2019 has been issued by the 2nd Respondent in concurrence with the 3rd Respondent to fill up the vacant posts.

13.05.2019 : The High Court of Bombay Appellate Side called for the 06 vacancies for the posts of District Judge in the Judicial Service of the State of Maharashtra issued through Press advertisement. The said advertisement age limit fixed for District Judge as follows; *“A candidate must have attained the age of thirty –five years and must not have attained the age of forty-eight years in the case of*

candidates belonging to communities recognised as backward by years in the case of others, as on the date of publication of advertisement". True copy of the press advertisement dated 13.05.2019 issued by the Hon'ble High Court of Bombay appellate side is annexed hereto and marked as ANNEXURE – P4 (page to).

07.08.2019: The Hon'ble High Court of Punjab and Haryana at Chandigarh issued Notification No.144 Gaz.I/VI.F.2 dated 07.08.2019 has given age relaxation of upper age limit for reserved categories candidates as follows: *2 AGE:- candidates must have attained the age of 35 years and must not have attained the age of 45 years on 1st day of January, 2019. Note:- For SC/ST/BC candidates of Haryana state, the upper age limit is relaxable by 5 years and for persons with disability shall be relaxable by ten years (15 years for SC/BC).* Upper age limit relaxation is available to the candidates belonging to the reserved categories as per instructions issued by the Government of Haryana from time to time in this regard). True copy of the Hon'ble High Court of Punjab and Haryana at Chandigarh issued Notification No.144 Gaz.I/VI.F.2 dated 07.08.2019 is annexed hereto and marked as ANNEXURE – P5 (page to).

24.09.2019 : Similarly the Hon'ble High Court of Kerala issued notification dated 24.09.2019 for Kerala State Higher Judicial Service Examination - 2019 direct recruitment to the post of District Judge. The said High Court allowed upper age relaxation to reserved categories candidates as follows: "*6 (b). He shall have attained 35 years of age and shall not have completed 45 of age on the first day of January, 2019.... Note: for relaxation of age limit, provision in sub rule (c) of Rule 10 of Part II of the Kerala State and Subordinate Rules, 1958 raising the upper age limit in the case of candidates belonging to Schedule Castes, adult members of Scheduled Castes and their children when such adult members are converted to other religions, scheduled tribes and other backward classes shall be applicable*". True copy of the Hon'ble High Court of Kerala Notification dated 24.09.2019 is annexed hereto and marked as ANNEXURE - P6 (page to).

12.12.2019 : The Second Respondent vide Notification No.2 of 2019 dated 12.12.2019 issued calling for applications fill up the 32 vacant post of District Judge (Entry Level) by Direct Recruitment under the Tamil Nadu State Judicial Service (Cadre and Recruitment) Rules, 2017, whereby reducing the

upper age limit for BC/ MBC categories from 48 to 45 years. The candidates Directed to apply on or before 08.01.2020 subsequently extended upto 31.01.2020. True copy of the Notification No.2 of 2019 dated 12.12.2019 issued by Respondent No.2 is annexed hereto and marked as ANNEXURE – P7 (page to).

02.01.2020 : The Petitioner challenged the amendment to the Rule 5 (3) of the Tamil Nadu State Judicial Service (Cadre and Recruitment) Rules, 2017 published in TN Government Gazette notification issued by the Respondent No.2 dated 12.12.2019 No.376, dated 24.11.2017 seeking Writ of Certiorarified Mandamus or direction for call for entire records with relevant to judicial service through Writ Petition No.95 of 2020 before the Hon'ble High Court of Judicature at Madras along with interlocutory application for seeking interim relief for allowing the petitioner to apply in taking part in the said selection process. True copy of the Writ Petition No.95 of 2020 along with W.M.P. No. 113 of 2020 dated 02.01.2020 filed by the petitioner before the Hon'ble High Court of Judicature at Madras is annexed and marked as ANNEXURE – P8 (page to).

09.01.2020: The Respondent No.1 issued corrigendum to Notification No.02/2019 dated 12.12.2019 extending time to submit online applications on or before 31.01.2020 till 23.59hrs. True copy of the Corrigendum to Notification No.02/2019 dated 12.12.2019 is annexed and marked as ANNEXURE – P9 (page to).

10.01.2020: The 2nd Respondent filed Common Counter affidavit to connected matter in W.P.No.35906 of 2016 and batch of cases dated 10.01.2020 copy of the same was served to the petitioner. True copy of the common counter affidavit filed by the 1st Respondent in W.P.No.35906 of 2016 & batch of cases dated 10.01.2020 is annexe hereto and marked as ANNEXURE – P10 (page to).

13.01.2020: The Respondent No.3 filed common counter affidavit dated 13.01.2020 including Petitioner's Writ Petition No.95 of 2020. True copy of the common counter affidavit dated 13.01.2020 filed by the Respondent no.3 is annexed hereto and marked as ANNEXURE – P11 (page to).

13.01.2020: The Hon'ble High Court vide its order dated 13.01.2020 erroneously and by a non speaking order rejected the interim prayer of the Petitioner to take

part in the recruitment process pending consideration in the writ petition. The Hon'ble High Court failed to appreciate that there had been no recruitment since 2013 and the Respondents without any valid reasons reduced the maximum age limit 48 to 45years which is contrary to their own previous notification No.1 of 2019 in the same year with same cut of date i.e.01.07.2019.

16.01.2020 : Hence the Special Leave Petition.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

(Under Article 136 of the Constitution of India)

SPECIAL LEAVE PETITION (CIVIL) NO. _____ OF 2020

(WITH PRAYER FOR INTERIM RELIEF)

(Arising out of impugned order dated 13.01.2020 passed by the Hon'ble High Court of Judicature at Madras in W.M.P.No.113 of 2020 in Writ Petition No.95 of 2020)

BETWEEN:

POSITION OF PARTIES

High Court In this Court

N.S. SIVAKUMAR

S/O. Late. N.M. Somasundaram

Residing at Door No.44/61

PillaiyarKoil Street, Triplicane,

Chennai 600 005.

Tamil Nadu

...Petitioner

...Petitioner

AND

1. The Additional Chief Secretary

to the Government of Tamil Nadu

Secretariat, Fort St. George,

Chennai 600 009

Tamil Nadu.

...Respondent No.1 ... Respondent No.1

2. The Principal Secretary to Government (FAC)

Public (Special. A) Department,

Fort St.George,

Chennai 600 009

Tamil Nadu.

...Respondent No.2 ... Respondent No.2

3. The Registrar General,

High Court Madras

Chennai 600 104

Tamil Nadu.

...Respondent No.3. ... Respondent No.3

To,
The Hon'ble Chief Justice of India and
His Companion Judges of the
Supreme Court of India,
New Delhi.

Humble petition of the
above named Petitioner

MOST RESPECTFULLY SHOWETH: -

1. The present Special Leave Petition is being filed aggrieved by the impugned order dated 13.01.2020 passed by the Hon'ble High Court of Judicature at Madras in W.M.P.No.113 of 2020 in Writ Petition No.95 of 2020, whereby pending the consideration of the main writ petition the Hon'ble High Court rejected the application to permit the Petitioner to appear for the forthcoming examination for recruitment of District Judges with the last date for submission of application being 31.01.2020.

2. QUESTIONS OF LAW: -

The following questions of law arise for consideration by this Hon'ble Court –

- A. Whether the interim relief can be rejected pending consideration of the main prayer, which is primarily to protect the subject matter and not to make the main relief infructuous and that to when the basic principles of granting /rejecting interim relief is on the question of comparative hardships to the party and the balance of convenience?

- B. Whether the High Court can refuse an interim relief pending the main petition when the balance of convenience is clearly in favour of the party seeking for the same and that the Respondents will not be put to any hardships which are irreparable?
- C. Whether the Hon'ble High Court was right in refusing the interim relief of permitting the Petitioner to apply for and undertake the examination pending consideration of the writ petition, as refusal would deprive the Petitioner of any relief which may be granted in the main writ petition?
- D. Whether the Hon'ble High Court Madras in its Order dated 13.01.2020 made in W.M.P.No.113 of 2020 in W.P.No.95 of 2020 rejecting the interim relief of Petitioner applying for the District Judges (Entry Level) issued under Notification No.2 of 2019 dated 12.12.2019 pending writ proceedings would tantamount to disallowing the main relief itself is justified in law?
- E. Whether is it legally sustainable in taking away the age relaxation granted in earlier Notification No.1 of 2019 dated 13.01.2019 by the 2nd Respondent prescribing maximum age limit of 48 years for all reserved categories i.e., BC/MBC candidates, presently reducing to 45 years without valid and proper reason in the present Notification No.2 of 2019 dated 12.12.2019 fixing the same cut off date i.e., 1st July

2019 in the same calendar year regarding filling up of vacancy posts of District Judges (Entry Level) by direct recruitment?

F. Whether the Hon'ble High Court of Madras is correct in construing the recommendations of the Hon'ble Shetty Commission which pertains to All India Judicial Service contemplated under Article 312 of the Constitution of India for the present notification which relates to Recruitment of Higher Judicial Service under Article 233 of the Constitution of India by the State and when the same are yet to uniformly made applicable in all states?

G. Whether the Hon'ble High Court of Madras is right in importing the recommendation of Hon'ble Shetty Commission rendered with regard to formation of All India Judicial Service, whereas the Present Notification which is confined to recruitment of District Judges (Entry Level) in respect of State of Tamil Nadu?

3. DECLARATION IN TERMS OF RULE 3(2):

The petitioner submit that no other petition seeking leave to appeal has been filed by them against the impugned interim order dated 13.01.2020 passed by the Hon'ble High Court of Judicature at Madras in W.M.P.No.113 of 2020 in Writ Petition No.95 of 2020.

4. DECLARATION IN TERMS OF RULE 5: -

The Annexures produced along with the Special Leave Petition are true copies of the pleading/documents which form part of the records of the case in the Courts below and that no letters patent appeal or writ appeal lies against the impugned judgment or order.

5. GROUNDS

Leave to appeal is sought for on the following amongst other grounds:

- a. BECAUSE the impugned order passed by the Hon'ble High Court Madras disallowing the Petitioner to apply in the examination by granting age relaxation is *per se* unsustainable both on law and on facts, when the main writ petition is kept pending for consideration and which would become infructuous if the interim relief is not granted.
- b. BECAUSE the Hon'ble High Court failed to follow the law laid down by this Hon'ble Court in Indra Sawhney Vs. Union of India 1992 Supp (3)SCC 217 conferring benefits to reserved categories who apply for public employments and the present notification is in complete defiance of the ratio laid down in the said judgment.
- c. BECAUSE the Hon'ble High Court failed to consider the fact that the present recruitment is in continuation of the recruitment by Notification No. 1 which became a futile

exercise and that there had not been any recruitment process since 2013 inspite of huge vacancies in the post of District Judges.

- d. BECAUSE the Hon'ble High Court failed to consider the fact that in the same calendar year two notifications were issued, the Notification No.1 of 2019, dated 13.01.2019, whereby fixed the age limit of 48 years for the candidates and subsequent notification No.2 of 2019, in which reduced the age limit from 48 to 45 years. In the second notification the Respondents ought to have given relaxation to the petitioner as mentioned in earlier notification.
- e. BECAUSE the impugned order of the Hon'ble High Court Madras suffers from miscarriage of justice on the interim prayer which tantamount to culmination of final order in the main prayer in the writ petition itself.
- f. BECAUSE the Hon'ble High Court failed to consider the interim prayer in the affirmative manner on the premise that in the previous notification the age relaxation to the all reserved categories was fixed at maximum age was 48 years, notwithstanding the amendments to the Tamil Nadu State Judicial Service (Cadre and Recruitment) Rules, 2017, was in vogue by virtue of G.O.Ms.No.877, Home (Courts- I), 24.11.2017, wherein in the Rule 5 (3) mandates that maximum age limit that all reserve categories except SC/STs

was 45 years as notified in Tamil Nadu Gazette Notification No.376, dated 22.11.2017. The Petitioner lost the opportunity for applying the examination.

- g. BECAUSE the Hon'ble High Court failed to consider the exigencies prevailed in the strength of judicial officers as on 31.12.2018 especially the District Judge cadre the 1st and 2nd Respondent not only relaxed the aforesaid rule but also permitted the serving judicial officer to participate in the selection process in the previous notification, this cannot be lightly taken as inadvertent mistake crept in the notification as contended in para 16 of the common counter affidavit filed by the Registrar General of High court of Madras (3rd Respondent) to say that the petitioner cannot take any advantage on the mistake crept to claim as a precedent contrary to service rules. The Hon'ble High Court ought not to have persuaded the stand taken by the authorities in the casual manner. On the other hand the High Court being an exalted constitutional institution ought to have been meticulous and careful in issuing the notification for recruiting the cadres for higher judicial service.
- h. BECAUSE where 3562 lawyers, pleaders, assistant public prosecutors and serving judicial officers who wrote the preliminary examination for appointment as District Judge in the State of Tamil Nadu. All those who took the test none

of them cleared the preliminary examination, therefore subsequent Notification No.2/2019 dated 12.12.2019 issued in the same calendar year which infringes the legitimate expectation of the Petitioner in taking part in the selection process, more particularly when there was no recruitment during the time when the Petitioner crossed the age limit.

- i. BECAUSE upon the exigencies of the prevailing situation the Hon'ble High court of Madras ought to have restored the maximum age limit prescribed as 48 years for BCs/MBCs in the previous notification. In that event large number of candidates can participate in the selection process since huge gap of six years in recruiting the District Judges (Entry Level) post which lastly take place in the year 2013 and thereafter no selection process was carried out though vacancies were in existence. Thus the authorities seldom follow the guidelines issued by the Hon'ble Supreme Court in *Malik Mazhar Sultan Vs. U.P. Public Service Commission [2008 (17) SCC 703]* and the recruitment was not conducted as and when the vacancies arose as mandated by this Hon'ble Court in catena of judgments.
- j. BECAUSE the Hon'ble High court exhibited in supine attitude on implementation of the Shetty Commission recommendations and when convenient to induct the subordinate serving judicial officers in the cadre of District

Judge (Entry Level) have fixed the maximum age limit 48 years in the previous notification to accommodate the posts exclusively vest for District Judges (Entry Level). Whereas the present notification is confined only for practising lawyers and Assistant Public Prosecutors to participate in the selection process. Therefore it is inferred that the age limit was reduced to 45 years. Moreover the recommendation of the Justice Shetty Commission was not followed uniformly in letter and spirit by various high courts/states. Therefore the stand of the high court that fixation of the maximum age limit of 45 years was based on the recommendation of the said Commission does not hold good.

- k. BECAUSE the Hon'ble High Court ought to strike a balance as between the recommendations of the Hon'ble Shetty Commission which primarily was for a consensus on All India basis with minimum age requirement and the huge vacancies not being filled up in the Backward classes category and the exalted position of providing reservation in terms of the Constitutional mandate and the decisions of this Hon'ble Court.
1. BECAUSE the Hon'ble High Court failed to consider the contradictory stands taken by the State Government as per the Hon'ble Justice Jaganath Shetty Commission's Report. Whereby the State of Tamil Nadu clarified its stand as

follows: "... 10.64 the Government of Tamil Nadu is bit liberal on this matter. They have state that the candidates upto the age of 48 years could be considered for recruitment of District Judges" Contrary to above a stand now fixing maximum age 45 years is unjustifiable and contrary to law declared by this Hon'ble Court.

- m. BECAUSE the Hon'ble High court ought to have rejected the contentions in the counter affidavit filed by the respondents, that the "Shetty Commission" recommendations were given for the purpose of appointment in All India Judicial Service under Article 312 of Constitution. Commission recommendations are extracted below:-

"OUR RECOMMENDATIONS:

26.7 In our opinion, it is necessary to allay these apprehensions while constituting AIJS. Bearing that in mind, we indicate herein the broad outlines for consideration of the Central Government for constituting the AIJS :

(i) The AIJS could be constituted only in the cadre of District Judges as per the provisions of Article 312(3) of the Constitution. The District Judges directly recruited and promoted should constitute the AIJS.

(ii) The selection for direct recruitment should be by National Judicial Commission / UPSC and promoted by the respective High Courts.

(iii) The qualification for direct recruitment to AIJS should be in conformity with that prescribed under Article 233(2) of the Constitution i.e., Advocate / Pleader who has got not less than 7 years Bar practice.

(iv) Service Judges also should be allowed to compete for recruitment to AIJS, by appropriately amending Article 233(2) of the Constitution. (See V.II, Chapter 11).

(v) Not exceeding 25% of the posts in the cadre of District Judges in every State should be earmarked for direct recruitment.

(vi) The age limit for recruitment to AIJS should be between 35 and 45 years.

(vii) The procedure for selection shall be by written examination followed by viva voce. (See: V. II, Chapter 10).

(viii) Appointment : The National Judicial Commission / UPSC, after selecting the candidates for direct recruitment to the cadre of District Judges, must allocate to the States / UTs, the candidates equal to the vacancies that are surrendered by them. The High Court thereupon will recommend those names to the Governor for appointment as per Article 233 of the Constitution.

(ix) Training : The prescribed training is only after appointment.

(x) Seniority : All India Seniority is as per the ranking in the select list..

(xi) Interse Seniority in the State / UT : The interse seniority between the direct recruits and promotes shall be determined according to the date of allotment and date of promotion.

(xii) Such direct recruits must thus be annexed to the respective State Judicial Service within the three-tier system.

(xiii) Court Language : The recording of the deposition in all Courts should be in two languages

(i) Regional language (to be recorded by the Court Officer); and (ii) English (by the Presiding Officer).

26.8 We are of the opinion that, if the AIJS is constituted in the manner indicated, the apprehension of the High Courts, the Service Judges and the Governments could be minimised, if not totally eliminated.

k. The petitioner may be permitted to add/alter of grounds in future with permission of the court for the interest of justice.

6. GROUNDS FOR INTERIM RELIEF

The impugned order, the Hon'ble High Court of Madras was pleased to reject the interlocutory petition filed by the Petitioner along with Writ Petition. The petitioner ambition become worthless due to the action of the Respondents and impugned order. The fair opportunity was deprived due to reduction of the maximum age limit from 48 to 45 years. The Respondents are periodically taking different stand for fixing maximum age limit without following fixed parameter.

The petitioner if not allowed will face irreparable loss and injury could not be compensated in terms of money. The chance of future recruitment for the said post is also bleak. Therefore in the interest of justice the petitioner may be permitted to apply and allowed to take part in the present recruitment process of the District Judge post pending the writ petition. It is respectfully submitted that the Petitioner has very good case on merits and the balance of convenience is also in favour of the Petitioner.

Hence the interim relief as prayed for may kindly be granted in the interest of Justice. That no prejudice would be caused to the Respondents if the interim relief so prayed for is granted by this Hon'ble Court.

7. **MAIN PRAYER:** -

It is most respectfully prayed that this Hon'ble Court may be pleased to:

- a. Grant Special Leave to Appeal against the impugned order dated 13.01.2020 passed by the Hon'ble High Court of Judicature at Madras in W.M.P.No.113 of 2020 in Writ Petition No.95 of 2020; and
- b. Pass any other order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case and in the interest of justice.

8. **PRAYER FOR INTERIM RELIEF:** -

It is most respectfully prayed that this Hon'ble Court may be pleased to: -

- a. Grant ad interim ex-parte stay of the further proceedings of the Hon'ble High Court of Judicature at Madras in Writ Petition No.95 of 2020; and
- b. to direct the Respondent Nos.2 & 3 to permit the petitioner to apply and participate in the judicial service examination vide Notification No.2 of 2019 dated 12.12.2019; and

c. pass any other order(s) which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.

AND FOR THIS ACT OF KINDNESS THE PETITIONER AS IN DUTY BOUND SHALL EVER PRAY.

Drawn by:

Filed by:

[G.ANANDA SELVAM]
ADVOCATE

[LAKSHMI RAMAMURTHY]
ADVOCATE FOR THE PETITIONER

DRAWN ON: 15.01.2020

FILED ON: 16.01.2020

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (C) NO. OF 2020

IN THE MATTER OF:

N.S.Sivakumar.

...Petitioner

Versus

The Chief Secretary,
to the Government of Tamil Nadu and Ors.

...Respondents

CERTIFICATE

Certified that the Special Leave Petition is confined only to the pleadings before the Court whose order is challenged and the documents relied upon in those proceedings. No additional facts, documents or grounds have been taken or relied upon in the Special Leave Petition. It is further certified that the copies of the Documents/Annexures attached to the Special Leave Petition are necessary to answer the questions of law raised in the Petition or to make out grounds urged in the Special Leave Petition for the consideration of this Hon'ble Court. This certificate is given on the basis of the instructions given by the Petitioner(s)/ person authorized by the Petitioner(s) whose affidavit is filed in support of the SLP.

FILED ON: 16.01.2020

[LAKSHMI RAMAMURTHY]

ADVOCATE FOR THE PETITIONER

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

I.A. No. OF 2020

IN

SPECIAL LEAVE PETITION (C) No. OF 2020

IN THE MATTER OF:

N.S.Sivakumar.

...Petitioner

Versus

The Chief Secretary,
to the Government of Tamil Nadu and Ors.

...Respondents

AN APPLICATION FOR PERMISSION TO FILE ADDITIONAL
DOCUMENTS.

To,

The Hon'ble Chief Justice of India and
His Companion Judges of the
Supreme Court of India,
New Delhi.

Humble Application of the
above named Petitioner

MOST RESPECTFULLY SHOWETH:

1. The Petitioner above named respectfully submits that the Special Leave Petition is being filed against the interim order dated 13.01.2020 passed by the Hon'ble High Court of Judicature at Madras in W.M.P.No.113 of 2020 in Writ Petition No.95 of 2020 wherein, the Hon'ble High Court erroneously rejected above Application filed by the petitioner.

2. That the Petitioner submits that these documents are part of the records before the Hon'ble High Court in Writ Petition No. 95 of 2020. Therefore the petitioner filing following documents

are as additional documents. The various Hon'ble High Courts followed maximum age limit of 48 years for District Judge direct Recruitment or giving relaxation for reserved categories. True copy of the Hon'ble High Court of Madhya Pradesh; Jabalpur vide Notification No.171/Exam/DR- HJS/2017 dated 10.03.2017 is annexed hereto and marked as ANNEXURE – 'P12'[Page to] and True copy of the Hon'ble High Court of Allahabad issued notification No. 615 /S & A cell/2018 dated 13.11.2018 for direct recruitment to the Uttar Pradesh Higher Judicial Service – 2018 is annexed hereto and marked as ANNEXURE – P13 [page to].

3. For the aforesaid said documents are vital for established the petitioner's case. If these documents may be allowed and if same is not allowed, the Petitioner will be put to irreparable loss and injury. There is no prejudice or hardship will be caused to the Respondents, if the relief is granted as prayed for.

PRAYER

It is therefore, most respectfully prayed that this Hon'ble Court may be pleased to:

(a) allow the application for permission to file additional documents of the Annexures – 'P12' and 'P13', in the said Special Leave Petition filed against the interim order dated 13.01.2020 passed by the Hon'ble High Court of Judicature at Madras in W.M.P.No.113 of 2020 in Writ Petition No.95 of 2020 on considering the facts and circumstances of this case; and

(b) pass such further other order or orders as this Hon'ble Court may deem fit and proper to the facts and circumstances of the case.

WHICH ACT OF KINDNESS THE HUMBLE PETITIONER SHALL AS IN DUTY BOUND EVER PRAY

Filed by:

[LAKSHMI RAMAMURTHY]
ADVOCATE FOR THE PETITIONER

FILED ON: 16.01.2019

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

(Under Article 136 of the Constitution of India)

SPECIAL LEAVE PETITION (CIVIL) NO. _____ OF 2019

[Against the impugned interim order dated 13.01.2020 passed by the Hon'ble High Court of Judicature at Madras in W.M.P.No.113 of 2020 in Writ Petition No.95 of 2020]

(WITH PRAYER FOR INTERIM RELIEF)

IN THE MATTER OF:-

N.S.Sivakumar.

...Petitioner

Versus

The Chief Secretary,
to the Government of Tamil Nadu and Ors.

...Respondents

WITH

I.A.No. of 2020: An application for seeking permission to file
Additional documents

PAPER BOOK

(FOR INDEX KINDLY SEE INSIDE)

ADVOCATE FOR PETITIONER: LAKSHMI RAMAMURTHY

SECTION – XII (Tamil Nadu)

FILED ON: 15.01.2020

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12.	Annexure P-1: - True copy of the Tamil Nadu Gazette Notification No.376 dated 24.11.2017			
13.	Annexure P-2:- True copy of the relevant extract of the High Court's Annual Report 2018 dated nil, 2018.			
14.	Annexure P-3:- True copy of the Notification No.1 of 2019			

	issued by the State of Tamil Nadu dated 13.01.2019.			
15.	Annexure P-4:- True copy of the press advertisement dated 13.05.2019 issued by the Hon'ble High Court of Bombay appellate side.			
16.	Annexure P-5:- True copy of the Hon'ble High Court of Punjab and Haryana at Chandigarh issued Notification No.144 Gaz.I/VI.F.2 dated 07.08.2019.			
17.	Annexure P-6:- True copy of the Hon'ble High Court of Kerala Notification dated 24.09.2019.			
18.	Annexure P-7:- True copy of the Notification No.2 of 2019 dated 12.12.2019 issued by Respondent No.2.			
19.	Annexure P-8:- True copy of the Writ Petition No.95 of 2020 along with W.M.P.113 of 2020 dated 02.01.2020 filed by the petitioner before the Hon'ble High Court of Judicature at Madras.			
20.	Annexure P-9:- True copy of the Corrigendum to Notification No.02/2019 dated 12.12.2019.			
21.	Annexure P-10:- True copy of the counter affidavit filed by the 1 st Respondent in W.P.No.35906 of 2016 dated 10.01.2020.			
22.	Annexure P-11:- True copy of the common counter affidavit dated 13.01.2020 filed by the Respondent no.3.			

23.	I.A.No. of 2020: An Application for Permission to filed additional Documents.			
23.	Annexure P-12:- True copy of the Hon'ble High Court of Madhya Pradesh; Jabalpur vide Notification No.171 /Exam/DR-HJS/2017 dated 10.03.2017.			
24.	Annexure P-13:- True copy of the Hon'ble High Court of Allahabad issued notification No. 615 /S & A cell/2018 dated 13.11.2018 for direct recruitment to the Uttar Pradesh Higher Judicial Service – 2018.			
25.	F/M			
26.	V/M			

PROFORMA FOR FIRST LISTING

SECTION -XII

The case pertains to (Please tick/ check the correct box):

- Central Act: (Title): Constitution of India,1950
- Section: Article 226
- Central Rule : (Title)- **N/A**
- Rule No(s) : **N/A**
- State Act : (Title) **N/A**
- Section : **N/A**
- State Rule: (Title) **N/A**
- Rule No(s) : **N/A**
- Impugned Interim Order : Interim order dt;13.01.2020
- Impugned Final Order / Decree (Date): N/A
- High Court : (Name) The Hon'ble Madurai Bench of Madras High Court.
- Names of Judges:Hon'ble Mr. Justice Amreshwar Pratap Sahi and Mr. Justice Subramanium Prasad.
- Tribunal / Authority : (Name) **N/A**

1. Nature of Matter : Criminal

2. (a) Petitioner/ appellant No.1: N.S.Sivakumar

(b) E-mail ID: gsanand.adv@gmail.com

(c) Mobile phone number: 9810394041

3. (a) Respondent No. 1: The Additional Chief Secretary,

To Government of Tamil Nadu.

(b) E-mail ID: **N/A**

(c) Mobile phone number: **N/A**

4. (a) Main Category classification: 06

(b) Sub Classifications: **0613**

5. Not to be listed before: **N/A**

6. Similar disposed of matter with Citation: (a) No similar disposed matter.

(b) Similar matter Pending with case details: No similar matter is pending.

7. Criminal Matters:

(a) Whether accused/ convict has surrendered: Yes No

(b) FIR No. Date: N/A

(c) Police Station: N.A

(d) Sentence Awarded: N.A

(e) Sentence Undergone : N/A

8. Land Acquisition Matters:

(a) Date of Section 4 notification: **N/A**

(b) Date of Section 6 notification: **N/A**

(c)) Date of Section 6 notification: **N/A**

9. Tax Matter: State the tax effect: **N/A**

10. Special Category (first petitioner / appellant only):

Senior citizen > 65 years SC/ST Woman/ child

Disabled Legal Aid case In custody

11. Vehicle Number (in case of Motor Accident Claim matters):
N/A

Date: 15.01.2020

LAKSHMI RAMAMURTHY

AOR for Petitioner(s)/ Appellant(s)

Code No. 1915

No.I-4, Basement, Jangpura- B, New Delhi - 110014

Email Address: gsanand.adv@gmail.com

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (C) No. _____ OF 2020

IN THE MATTER OF:

N.S.Sivakumar. ...Petitioner

Versus

The Chief Secretary,
to the Government of Tamil Nadu and Ors. ...Respondents

OFFICE REPORT ON LIMITATION

1. The petition is within time.
2. The Petition is barred by time and there is delay..... days in filing the same against order dt.13.01.2020 and Petition for condonation of days delay had been filed.
3. There is delay ofdays in refilling the Petition and Petition for condonation of days delay in refilling has been filed.

New Delhi
Dated: -

BRANCH OFFICER

