

Suo-motu W.P.No.5497 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 22.06.2026

PRONOUNCED ON : 01.07.2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WP No. 5497 of 2024

Suo-motu Writ Petition

..Petitioner(s)

Vs

1. The Registrar General,
High Court, Madras.
2. K.Vedhambika
3. S.Mahalakshmi
4. P.Arulmurugan
5. M.Jayasree
6. M.Kannan
7. A.Pavithraa Devi
8. N.Sharmila
9. M.Arivuchudar
10. G.Vigneshwaran
11. D.Priyanka-I
12. K.P.Kumaresh Prasad (now Working As
Typist)



Suo-motu W.P.No.5497 of 2024

13. R.Jawahar

14. S.Hemalatha

15. S.Thiyagarajan

16. V.Chandana

17. S.Swathi-I

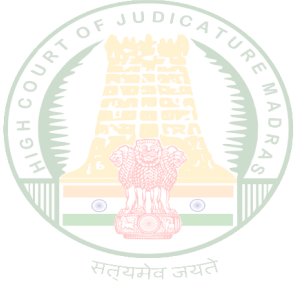
18. S.Pradeep

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India issuing writ of declaration for the reasons stated in the accompanying order passed by the Division Bench dated 20.02.2024 and in concurrence with the Hon'ble Chief Justice to initiate it as Suo-Motu Writ Petition, it is humbly prayed that this Court may be pleased to issue a Writ, order or direction more particularly in the nature of a Writ of Declaration, declaring the Rule 14-A of the Madras High Court Service Rules requires re-evaluation and to be re-visited and further to test the validity of the selection process and the appointment of Respondents 2 to 18 to the post of PA to the Hon'ble Judges in the High Court of Madras made as per circular dated 07.06.2023.

For Petitioner(s): Suo-motu WP

For Respondent(s): Mr. B. Vijay for R1
Mr.P.S.Raman, Senior Counsel for
Mr.C.Vigneswaran and
Mr.P.Vasanthakumar for R2-11,13-18
No appearance for R12



Suo-motu W.P.No.5497 of 2024

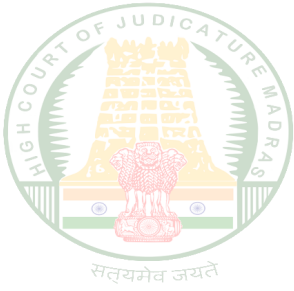
ORDER**(Order of the Court was made by S.M.Subramaniam J.)**

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The Division Bench of this Court, vide Order dated 20.02.2024, had taken suo motu cognisance with reference to the alleged irregularities in the process of selection for appointment to the post of P.A. to Hon'ble Judges in the High Court of Madras.

2. On perusal of the relevant files, it was noted that a circular was issued on 07.06.2023, inviting applications for selection to the post of P.A. to Hon'ble Judges from the staff members working in the cadre of Technical Assistant to Librarian, Assistant Section Officers including Translators and Assistant Court Fee Examiners, Personal Assistant (to the Registrars), Senior Typist, Computer Operator, Personal Clerk (to the Deputy Registrars), Assistant, Typist, Reader/Examiner, Telephone Operator, Cashier, Xerox Operator.

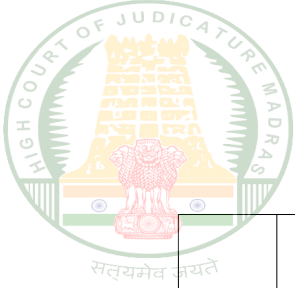
3. The eligibility criteria for the aforementioned post, as stipulated under Rule 14A of the Madras High Court Service Rules, 2015, are as follows:



Suo-motu W.P.No.5497 of 2024

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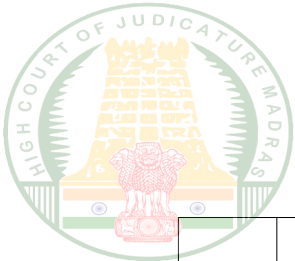
Sl. No.	Name of the post	Qualification Required	Mode of Appointment	Scale of pay
1.	Personal Assistant to the Hon'ble Judges	(a). Any Bachelor Degree in Science, Arts, Commerce, Engineering, Medicine, or any other discipline of a Recognised University in Indian Union, in 10+2+3 or 11+1+3 pattern; (b). Must have passed the Government Technical Examination in Shorthand and Typewriting in English Higher Grade (c). Must have passed the Certificate Course in Computer on Office Automation conducted by the Directorate of Technical Education.	(i) <u>By selection on merit</u> from categories 4 to 11 in Division – II. On such selection from categories 4 to 11 in Division- II, the appointment of such persons shall be treated as “recruitment by transfer” (ii) In case, requisite number of candidates do	Level 22- Rs.56100 -205700 + Spl. Pay



Suo-motu W.P.No.5497 of 2024

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		(i) However, candidates who do not possess the qualification mentioned in clause (c) above, viz.-. Certificate Course in Computer on Office Automation may also apply for appointment by direct recruitment. If selected, they should acquire such qualification within the period of their probation. (ii) Those who possess Degree (or) Diploma in Computer Science (or) Computer Engineering as one of the subjects approved by the University Grants Commission/All India Council for Education/Directorate of Technical Education (or) an equivalent body are exempted from passing the "Certificate Course	not qualify in the selection on merit as mentioned in clause (i) above, then by direct recruitment, for such number of unfilled vacancies.	
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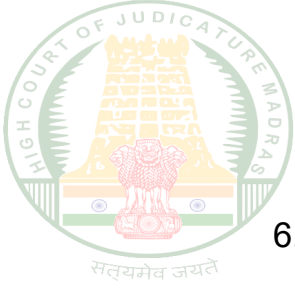
Suo-motu W.P.No.5497 of 2024

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		in Computer on Office Automation" conducted by the Directorate of Technical Education.		
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4. The mode of appointment has been described in clause (i) as "selection on merit". Two modes of such selection are prescribed: first, '*recruitment by transfer*'; and second, '*direct recruitment*' for the unfilled vacancies, in case the requisite number of candidates do not qualify under the first mode. Further, for conducting the Skill Test, the Circular prescribes certain additional tests, including English proficiency, viz., (i) letter writing; (ii) hint development; and (iii) writing a passage on a given topic.

5. Further, under the "Qualification Required" column in Rule 14A, clause (b) specifically mandates that the candidates must have passed the Government Technical Examination in Shorthand and Typewriting in English Higher Grade. However, in the circular dated 07.06.2023, it was informed that even individuals holding lesser qualification, such as Junior/Intermediate Grade in Shorthand or Typewriting, may be absorbed to the post of P.A. to Hon'ble Judges on the undertaking that, they will acquire the requisite technical qualification and equip themselves within a stipulated period (i.e) two years, from the date of appointment.



Suo-motu W.P.No.5497 of 2024

6. This circular, *per se* runs contrary to Rule 14A. Since Rule 14A specifically prescribes passing in Shorthand and Typewriting in English Higher Grade, the circular should have confirmed to these standards. Instead, the circular has resorted to providing an unjustified extra grace period, which is clearly contradictory to the said Rule. This sends a wrong signal to all the potential candidates and is directly infringing upon the *Right to Equality* under Article 14 of the Constitution of India. Relaxation of a Rule through a Circular inviting applications, even before appointment, undermines the principle of equality and smacks of arbitrariness.

7. Further, technical qualification in Shorthand and Typewriting in English – Higher Grade is a basic requisite qualification for the post of P.A. to Hon'ble Judges. Relaxing such a vital condition through a Circular without valid reasoning can unjustly enrich unqualified candidates, thereby tilting a level playing field.

8. At the outset, on perusal of the files, it is seen clearly that some of the candidates are not even eligible to participate in the selection process, as per Rule 14A. Over-aged candidates and candidates who are under-qualified were permitted to take part in the selection process. This can be deduced from the Office memorandum on the file of ROC.NO.16/2023-



Suo-motu W.P.No.5497 of 2024

CON.ESTT.I, dated 04.08.2023.

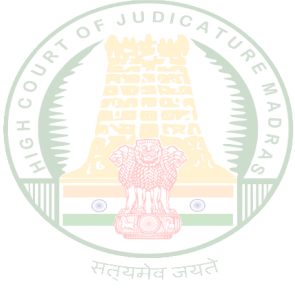
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9. The relevant portion is extracted hereunder:

"The selection of staff member mentioned at Sl.No.4 is subject to the outcome of the orders of the Government for age relaxation under Rule 18 of Tamil Nadu Judicial Ministerial Service Rules, since she has been appointed in the Madras High Court Service under the category 'in service candidate'.

The selection of staff members mentioned at Sl.Nos. 5 to 14 is subject to the condition that they should pass the skill test which would be conducted by the Registry after one year from the date of their appointment, failing which, they will be reverted to their substantive post.

The selection of staff members mentioned at Sl.Nos. 15 to 17 is subject to the condition that they should pass in Senior Grade Shorthand (English) conducted by Directorate of Technical Education within two years from the date of their appointment and the skill test which would be conducted by the Registry within one year upon receipt of intimation with regard to passing of Shorthand Senior Grade (English) by them, failing which, they will be reverted to their substantive



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Suo-motu W.P.No.5497 of 2024

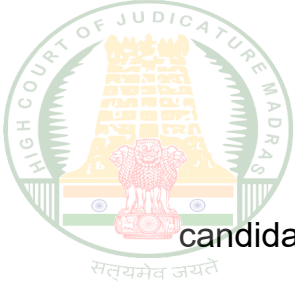
post.

Fixation of seniority of the staff members mentioned in the Sl.Nos. 5 to 17 shall be based on their performance in the skill test that would be conducted by Registry.

The appointment of the staff members mentioned in Sl.Nos.15 and 16 as Personal Assistant to the Hon'ble Judges is subject to the condition that they shall acquire the qualification viz., Certificate Course in Computer on Office Automation conducted by the Directorate of Technical Education within a period of two years from the date of their appointment to the post of Personal Assistant to the Hon'ble Judges."

10. Candidates who does not possess the requisite qualification of Senior Grade Shorthand (English) were permitted to participate in the selection process and were also subsequently selected. Thereafter, unnecessary relaxation was granted to them by giving them two years time to pass the shorthand test. These are serious transgression of service rules.

11. When the Rule for the post is clear, as stipulated under Rule 14A that only selection must be on merit and in case requisite number of



Suo-motu W.P.No.5497 of 2024

candidates do not qualify in the selection on merit from in-service candidates, then the selection must be made through direct recruitment process, thereby opening the gates for potential candidates from open pool. This also ensures conformity with Article 14 of the Constitution of India, and prevents the process from being tainted with arbitrariness.

12. Instead, in the present case, candidates with lesser qualification than what is prescribed in the circular were allowed to participate in the recruitment process. On top of that, they were selected and relaxation was granted to cure their ineligibility. This is unnecessary and traverses beyond the well established principles of service jurisprudence. It also strikes at the heart of inequality as only in-service candidates are given an undue advantage here and potential candidates from open pool were not even permitted to take part in the recruitment process, inspite of Rule 14A prescribing their participation. So the nature of selection process itself is tainted with arbitrariness and deserves to be set aside. It can be seen clearly that standards of merit have not been given enough weightage.

13. It is also shocking to see from the above Office Memorandum that certain candidates were appointed with a condition that they should pass the skill test after one year from the date of appointment. This is absurd as

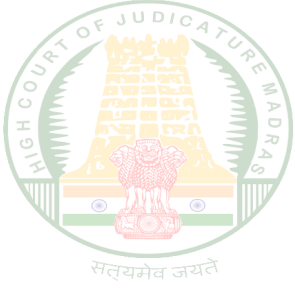


Suo-motu W.P.No.5497 of 2024

selection process is based on passing the skill test only. But candidates who have not even passed the skill test were appointed and given a grace period to clear the test. This negates the very object of conducting a skill test and selection based on merit.

14. Further, it has come to light that, even in the recruitment process conducted, several irregularities have been brought to the fore. This can be inferred from the Letter in Roc.No. 67160-A/2023/JRC dated 19.07.2023 by the Registrar(Recruitment), High Court, Madras where the details of the skill test conducted and the evaluation with marks awarded along with enclosures was forwarded to the Registrar General (i/c), High Court Madras. This proceedings includes a shocking finding, which is extracted as hereunder:

"I am further to state that the Additional Registrar General (i/c) Madurai Bench of Madras High Court, Madurai along with his letter dated 17.07.2023, has forwarded (1) C.D. with regard to the CCTV footage of P.A.Section, Madurai Bench and (2) letter dated 17.07.2023 of the Nodal Officers, viz., Thiru. U.Suresh Kumar, Assistant Registrar (AS) and Thiru.R.Suresh Babu, Sub Asst. Registrar (PA Section), Madurai Bench of Madras High Court, wherein they have stated that Thiru.S. Muthusubramanian, Assistant



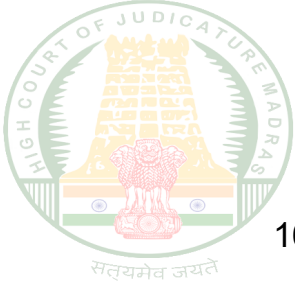
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Suo-motu W.P.No.5497 of 2024

Registrar (Admn.I), Madurai Bench has interacted with 2 or 3 candidates who attended Senior Grade test and one candidate who attended Junior Grade Test and it seems that he would have helped the candidates for transcription at the time of Skill Test conducted on 15.07.2023, in the P.A. Section, Madurai Bench of Madras High Court, Madurai and in the said letter dated 17.07.2023, the Hon'ble Administrative Judge of the Madurai Bench of Madras High Court has passed the following order:

"The CCTV footage recorded may also be forwarded to the Registrar (Recruitment) for appropriate action."

15. The reference Letters in the said proceeding have also been submitted before this Court and perused. A clear finding on the irregularity committed by Thiru.S.Muthusubramanian, Assistant Registrar (Admn-I), Madurai Bench of Madras High Court has been detailed in a Letter dated 17.07.2023 forwarded by the Nodal officers nominated to conduct the skill test. The letter further reveals that the CCTV footage shows Thiru.S.Muthusubramanian interacting with 2 or 3 candidates who attended the Senior test and one candidate who attended the Junior test, which seems that he would have helped them for transcription.

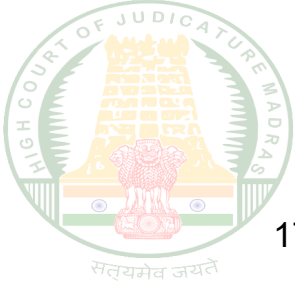


Suo-motu W.P.No.5497 of 2024

16. Also in terms of evaluation of skill test marks, It is seen that candidates who secured zero marks (0 marks) in transcription have been selected for the post of P.A. to Hon'ble Judges. This can be seen from the skill test mark evaluation chart which is extracted as hereunder:

SKILL TEST MARKS OBTAINED BY THE SELECTED CANDIDATES:

S.No.	NAME	BIOMETRIC	MDS/MDU	MARKS SECURED IN ENG. PROFICIENCY (10.07.2023) (50 MARKS)	TRANSCRIPTION (90 MARKS)	SHORTHAND OUTLINE (10 MARKS)	TOTAL TRANSCRIPTION + SHORTHAND OUTLINE (100 MARKS)	No. OF MISTAKES IN TRANSCRIPTION
1	Vedhambika.K	4786	MDS	28	59	8	67	31
2	Mahalakshmi.S	4317	MDU	28.5	52	5	57	38
3	Arulmurugan.P	4349	MDU	34.5	41	7	48	49
4	Jayasree.M	5055	MDS	30	39	7	46	51
5	Kannan.M	4353	MDU	33	29	7	36	61
6	Pavithraa Devi.A	4162	MDU	24	26	8	34	64
7	Sharmila.N	4849	MDS	30	25	8	33	65
8	Arivuchudar.M	4380	MDU	21	23	7	30	67
9	Vigneshwaran.G	3861	MDU	24.5	16	6	22	74
10	Priyanka.D-I	4844	MDS	31	12	8	20	78
11	Kumaresh Prasad.K.P (now Working As Typist)	5016	MDS	37	0	8	8	115
12	Jawahar.R	2909	MDS	24	0	5	5	114
13	Hemalatha.S	4664	MDS	41	0	5	5	346
14	Thiyagarajan.S	4809	MDS	41	0	5	5	399
15	Chandana.V	4541	MDS	41.5	37	7	44	53
16	Swathi-I.S	4629	MDS	41	0	6	6	193
17	Pradeep.S	4790	MDS	41	0	5	5	398

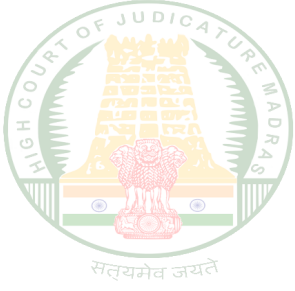


Suo-motu W.P.No.5497 of 2024

17. Further, the number of mistakes in transcription as detailed in the evaluation chart is numerous and runs beyond the number of mistakes prescribed for the Senior Grade, which is notified as 150 (as fixed by the Registry) and this reveals serious discrepancies and violations in the selection process. This shows that selection itself is anti-thesis to merit.

18. Mr. P.S.Raman, learned Senior counsel appearing on behalf of the respondent candidates submitted that during the pendency of the present writ petition, the respondents acquired requisite qualifications and, therefore, they may be allowed to continue in the post of P.A. to Hon'ble Judges.

19. During the pendency of the writ petition, several employees of the High Court would have acquired requisite qualification for the post of P.A. to Hon'ble Judges. Therefore, in order to ensure equal opportunity in employment, all those candidates should also be permitted to participate in the selection process. If illegalities are cured, it will result in infringement of the rights of the other staff members who are all equals and are aspiring for the post of P.A. to Hon'ble Judges. That apart, it will create a wrong precedent.

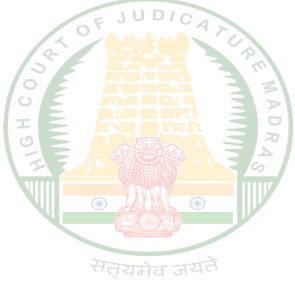


Suo-motu W.P.No.5497 of 2024

WEB COPY 20. The object of the entire selection process is pedestalled on merit.

By allowing only the in-service candidates to participate in the selection process, it can pave a way for a scenario of cloaked embargo being imposed on other eligible direct candidates from the open pool. This can send a wrong message to the public at large, and more so, when the Rules clearly stipulate that in case requisite number of in-service candidates do not qualify, then selection must be made through direct recruitment. Instead, resorting to such Rule relaxations is unwarranted and unnecessary under the given circumstances.

21. Hence, in the light of the above, selection and appointment of respondents 2 to 18 to the post of P.A. to Hon'ble Judges in the High Court of Madras made as per circular dated 07.06.2023 and appointment made vide ROC.No.16/2023-CON.ESTT.I, dated 04.08.2023 are set aside. The High Court is at liberty to conduct a fresh selection in accordance with the Rules and by following the procedures contemplated as expeditiously as possible.



Suo-motu W.P.No.5497 of 2024

WEB COPY 22. Accordingly, the suo-motu writ petition is allowed. No costs.

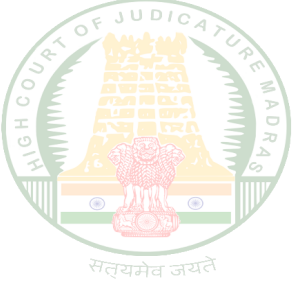
Consequently, the connected miscellaneous petitions, if any, are closed.

(S.M.S.,J.) (N.S.,J.)
01-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
GD

To

1. The Registrar General,
High Court, Madras.



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Suo-motu W.P.No.5497 of 2024

**S.M.SUBRAMANIAM, J.
AND
N.SENTHILKUMAR, J.**

GD

**Pre-Delivery order made in
Suo- motu WP No. 5497 of 2024**

01-07-2026