

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2015

CORAM :

THE HONOURABLE Mr.JUSTICE R.SUBBIAH

Cont.P.Nos.1198, 1263, 1688, 1724, 2905 & 3382 of 2014 in
W.P.Nos.236, 235, 116, 1992 & 417 of 2014 & 35386 of 2013
and

Review Applications Nos.35 to 38 of 2014
in

W.P.Nos.35286 to 35289 of 2013

- 1.Tmt.V.Vijayakala -Petitioner in Cont.P.1198/14
- 2.Tmt.S.Punithavathi -Petitioner in Cont.P.1263/14
- 3.M.Ponni -Petitioner in Cont.P.1724/14
- 4.A.Thatchayani -Petitioner in Cont.P.2905/14
- 5.S.Vedhanayagi -Petitioner in Cont.P.3382/14
- 6.S.Padmavathi -Petitioner in Cont.P.1688/14
- Respondent in Review A.35/14

- 1.State of Tamilnadu rep by its
Secretariat to Government,
School Education Department,
Secretariat, Chennai

- 2.The Chairman, Teacher's Recruitment Board,
Chennai-6.

- 3.The Director of School Education,
Chennai-6. -Review Applicants in Rev.Appl.Nos.35/14
36/14 & 37/14

सत्यमेव जयते
vs

- 1 D.SABITA IAS
SECRETARY TO GOVERNMENT SCHOOL EDUCATION
DEPARTMENT SECRETARIAT
CHENNAI 600009 -R1 IN CONT.P.1198/14 CONT P.1263/14,
CONT P.1724/14 & CONT P.1688/14
- 2 VIBHU NAIR I.A.S
CHAIRMAN TEACHERS RECRUITMENT BOARD
CHENNAI 600 006 -R2 CONT P.1198/14 CONT P.1263/14,
CONT P.1724/14 & CONT P.1688/14

3 DR.V.C.RAMESWARAMURUGAN
DIRECTOR OF SCHOOL EDUCATION
CHENNAI 600 006 -R3 IN CONT P.1198/14 CONT P.1263/14,
CONT P.1724/14 & CONT P.1688/14

VIBU NAIR
THE SECRETARY TEACHERS RECRUITMENT BOARD E.
V.K.SAMPATH MALIGAI DPI CAMPUS COLLEGE ROAD
NUNGAMBAKKAM CHENNAI -R1 IN CONT P.3382/14

M.SAKTHI -RESPONDENT IN REV.APPL.NO.34/14

C.MAHESWARI -RESPONDENT IN REV.APPL.NO.37/14

K.KRISHNAMOORTHY -RESPONDENT IN REV.APPL.NO.38/14

Contempt Petitions 1198, 1263, 1724, 2905, 3382, 1088/14 re filed u/s 11 of Contempt of Court act praying this Court to punish the Respondents for welfare disobedience of the order passed in WP.Nos.236, 235,116/14 1992/14 dt.31.1.14, 29.1.14, 24.1.14, 28.1.14, 31.1.14.

WP.No.236/14: Filed under Article 226 of the Constitution of India, praying for issue of a writ of mandamus directing the respondents to evaluate the petitioners answer sheet bearing Regn. No. 13PG18010348 and award 19 marks to the petitioner in respect of question Nos. 19 26 35 36 45 50 52 70 76 87 90 92 96 97 109 113 115 117 and 128 in 'B' Series question paper in the examination conducted by the Second Respondent on 21.7.13 for Pot Graduate Assistants/Physical Director-Gr.I, Examination 2013 (Prayer amended as per order of Court dt.29.1.14 by RPSJ in MP.2/14).

WP.No.235/14: Filed under Article 226 of the Constitution of India, praying for issue of a writ of mandamus directing the respondents to evaluate the petitioners answer sheet bearing Regn. No. 13PG25010626 and award 24 marks to the petitioner in respect of question Nos. 10 22 41 42 44 48 51 62 73 75 76 89 90 92 94 97 105 109 113 115 118 123 135 and 137 in 'B' series question paper in the examination conducted by the 2nd Respondent on 21.7.13 for post graduate Assistants/Physical Director Gr.I, Examination, 2013. (Prayer amended as per order of court dt.29.1.14 by RPSJ in Mp.2/14 in WP.Nos.235/14)

WP.No.116/14: Filed under Article 226 of the Constitution of India, praying for issue of a writ of mandamus Directing the respondents to award full grace marks to the petitioner for the question No.19 26 35 36 70 75 92 96 97 109 113 and 115 of the booklet series 'B' of written competitive examination direct recruitment of Post

Graduate Assistants (2012-13) for the subject of Tamil and consequently, to consider the petitioner for appointment to the post of Post Graduate Assistant Tamil) (Prayer amended as per order dt.27.1.14 and made in MP.2/14 in WP.No.116/14)

WP.No.1992/14: Filed under Article 226 of the Constitution of India, praying for issue of a writ of mandamus directing the respondent to award grace marks for the petitioner in the B series Tamil question paper for selection to the post of P.G. Assistant (Tamil) and consequently call the petitioner for certificate verification and select and appoint the petitioner to the post of P.G. Assistant (Tamil).

WP.No.417/14: Filed under Article 226 of the Constitution of India, praying for issue of a writ of mandamus directing the 3rd respondent to provide full grace marks for the questions Nos. 22 35 38 45 51 52 58 70 75 76 89 91 92 96 97 108 109 113 115 117 128 and 145 of the Booklet Series-B of written competitive examination for Direct Recruitment of Post Graduate Assistants (2012-2013) for the subject of Tamil and consequently to consider the petitioner for recruitment to the post of Post Graduate Assistant (Tamil).

WP.No.35286/13: Filed under Article 226 of the Constitution of India, praying for issue of a writ of mandamus Directing the Respondents to award full grace marks to the petitioner question Nos.22 26 35 47 75 76 89 93 96 101 105 113 and 135 of the Booklet Series 'B' of written competitive examination for direct recruitment of Post Graduate Assistants (2012-13) for the subject of Tamil and consequently to consider the petitioner for appointment to the post of post Graduate Assistant (Tamil) (Prayer amended as per order of Court dt.28.1.14 by RPSJ in MP.1/14 in WP.35286/13)

Rev.Appl.Nos.35 to 38/04: Filed under order 47 rules r/w section 114 of CPC against the orders dt.31.1.14, 31.1.14, 31.1.14, 31.1.14 in WP.Nos.35286, 35288, 35289, 35287/13 respectively.

WP.No.35286/13: Filed under Article 226 of the Constitution of India, praying for issue of a writ of mandamus Directing the Respondents to award full grace marks to the petitioner question Nos.22 26 35 47 75 76 89 93 96 101 105 113 and 135 of the Booklet Series 'B' of written competitive examination for direct recruitment of Post Graduate Assistants (2012-13) for the subject of Tamil and consequently to consider the petitioner for appointment to the post of post Graduate Assistant (Tamil) (Prayer amended as per order of Court dt.28.1.14 by RPSJ in MP.1/14 in WP.35286/13)

WP.No.35288/13: Filed under Article 226 of the Constitution of India, praying for issue of a writ of mandamus directing the Respondents to award full grace marks to the petitioner question Nos.10 22 35 45 75 76 92 96 97 105 109 115 and 117 of the Booklet Series 'B' of written competitive examination for direct recruitment of Post Graduate Assistants (2012-13) for the subject of Tamil and consequently to consider the petitioner for appointment to the post of post Graduate Assistant (Tamil) (Prayer amended as per order of Court dt.28.1.14 by RPSJ in MP.1/14 in WP.35288/13)

WP.No.35289/13: Filed under Article 226 of the Constitution of India, praying for issue of a writ of mandamus directing the Respondents to award full grace marks to the petitioner for the question Nos.26,31, 35 45 48 75 89 92 104 105 and 115 of the Booklet Series 'B' of written competitive examination for direct recruitment of Post Graduate Assistants (2012-13) for the subject of Tamil and consequently to consider the petitioner for appointment to the post of post Graduate Assistant (Tamil) (Prayer amended as per order of Court dt.28.1.14 by RPSJ in MP.1/14 in WP.35289/13)

WP.No.35287/13: Filed under Article 226 of the Constitution of India, praying for issue of a writ of mandamus directing the Respondents to award full grace marks to the petitioner question Nos.22 35 47 75 92 109 115 117 NS 139 of the Booklet Series 'B' of written competitive examination for direct recruitment of Post Graduate Assistants (2012-13) for the subject of Tamil and consequently to consider the petitioner for appointment to the post of post Graduate Assistant (Tamil) (Prayer amended as per order of Court dt.28.1.14 by RPSJ in MP.1/14 in WP.35287/13)

Appearance of Counsel:

Mr.P.Ganesan for C.S.Associates
(for petitioner in Cont.P.1198/14, 1263/14)

Mr.S.Vijayan
(for petitioner in Cont.P.1724/14, 1688/14 and for Respondent in Rev.A.No.35/14)

Mr.Dakshayani Reddy
(for petitioner in Cont.P.2905/14)

Mr.I.C.Vasudevan
(for petitioner in Cont.P.3382/14)

Mr.A.L.Somayaji, Advocate General Asst.
by Mr.D.Krishnakumar Spl.Government (Education)
(for Respondents in all contempt petitions and for Review Applicants
in are Review Applications)

COMMON ORDER

All the above contempt petitions have been filed pursuant to the orders passed by this Court in W.P.Nos.236, 235, 116, 1992 & 417 of 2014 & 35386 of 2013, dated 24.01.2014 & 31.01.2014, directing the Teachers Recruitment Board to work out the ranks of the petitioners by providing 21 grace marks. Since the said orders has not been complied with by the Board, the present contempt petitions have been filed.

2.After filing the present contempt petitions, the Teachers Recruitment Board has filed the present review applications to review the orders passed by this Court.

3.Today, when the matter is taken up for consideration, the learned Government Advocate has filed a counter and submitted that pursuant to the direction given by this Court, the Board has provided 21 grace marks to all the candidates and prepared a tentative rank list and the same has been placed before the Hon'ble Division Bench of Madurai Bench of this Court in W.A.(MD).Nos.1087 & 1090 of 2013 and in the Writ Appeals, the orders are yet to be passed. The relevant paragraph in the counter affidavit filed by the Government Advocate is extracted hereunder_

"17.It is submitted that the Board in strict compliance of orders of Hon'ble High Court has published the merit list of candidates and also the selection list was published on 03.01.2014. The Board also work out the ranking of all the candidates including the writ petitioners in the above Review Applications based on the direction of Hon'ble Madurai Bench of Madras High Court and the ranking of the Writ Appellants in W.A.(MD).No.1089 and 1090 of 2013 has been placed before the Hon'ble High Court of Madurai Banch. Hence, based on the interim direction granted by the Bench, Board provided 21 grace marks to all the candidates and prepared the tentative list."

4.In my considered opinion, when the tentative list has been placed before the Division Bench in Writ Appeals, no further direction can be passed in the present contempt petitions. However, the writ petitioners are at liberty to work out their legal remedy subject to the result of the writ appeals. Hence, recording the submission made by the learned Government Advocate, the present

contempt petitions are ordered to be closed. Similarly, the present Review Applications are also closed.

Sd/-
Assistant Registrar

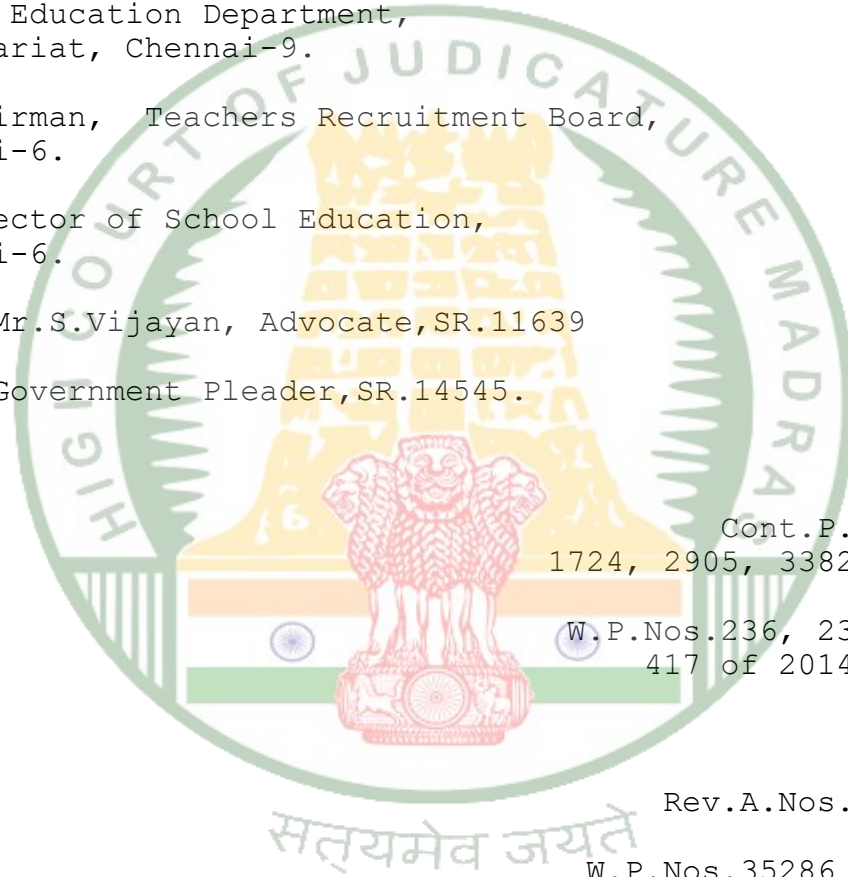
True Copy

Sub Assistant Registrar

To

- 1.The Secretary to Government,
School Education Department,
secretariat, Chennai-9.
 - 2.The Chairman, Teachers Recruitment Board,
Chennai-6.
 - 3.The Director of School Education,
Chennai-6.
- +1 cc to Mr.S.Vijayan, Advocate,SR.11639
- +1 cc to Government Pleader,SR.14545.

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1724, 2905, 3382 & 1688, of 2014
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in
W.P.Nos.35286 to 35289 of 2013

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