

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

Cont.P.No.785 of 2016

1.D.Venkatesan
2.Syed Irfan Ahmed
3.M.Thameem Ahmed
4.M.Shathish Kumar ... Petitioners

Versus

Mr.M.Vijayakumar, I.A.S.,
Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
Chennai-600 003. ... Respondent

Contempt Petition filed under Section 11 of the Contempt of Court Act to punish the respondent for wilful disobedience of the order dated 13.10.2015 made in W.P.No.30068 of 2015.

For Petitioners : M/s.R.Ramachandran

For Respondent : Ms.C.N.G.Niraimathi
Standing Counsel for TNPSC

ORDER

The learned counsel appearing for the petitioners would submit that the case of the petitioners falls squarely within the ratio laid down by this Court in the decision in **C.Dharuman and Others [2015 (1) MLJ 410]**.

2. *Per contra*, Ms.C.N.G.Niraimathi, learned Standing Counsel for the respondent/TNPSC has drawn the attention

of this Court to the counter affidavit of the respondent and would submit that the said judgment has no application

to the case on hand for the reason that there was no necessity for a claimant seeking permission to the post of Tamil Pandit to have passed +2 for promotion to the post of Tamil Pandit and further, it was found by the Court that the Special Rules did not undergo any amendment incorporating G.O.Ms.No.107, Personnel and Administrative Reforms Department dated 18.08.2009 and in the light of the said rule, the claim of the petitioner cannot be considered and the Special Rules only require a candidate to possess a degree of a University in the State and did not require a pass in +2 as an essential requirement and therefore, the respondent is not in a position to consider the claim of the petitioner. It is further stated in the counter affidavit that even the clarification issued by the above said department with regard to the validity of the degree qualification acquired by the petitioners goes against the claim of the petitioners and therefore, the respondent is being bound by the rules in force. It is the submission of the learned Standing Counsel appearing for the respondent that necessary communication has already been sent to the petitioners by Memorandum No.7443/PD-E1/2015 dated 15.06.2016, which is taken on file and recorded.

3. In the light of the said stand of the respondent in the counter affidavit, this Contempt Petition is closed.

Memorandum of the respondent in No.7443/PD-E1/2015 dated 15.06.2016 in accordance with law before the competent forum.

jvm

SD/
JOINT REGISTRAR(OS)

//Certified to be true copy//

Dated at Madras this the day of 2016.

COURT OFFICER(O.S.)
From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

DP/CO/29/07/2016

To

Mr.M.Vijayakumar, I.A.S.,
Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
Chennai-600 003.

सत्यमेव जयते

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