

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUDHAKAR
&
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Writ Petition No. 4544 of 2016

& W.M.P.No.3887 of 2016

M.Vengadesan

.. Petitioner

- Vs -

1. Union of India,
rep. By its Director,
Directorate of School Education,
Perunthalaivar Kamarajar Centenary
Educational Complex,
100 feet Road, Anna Nagar,
Puducherry - 600 005.
2. A.Viknesh
3. Balamurugan
4. Vaddi Varaprasad.R
5. Bharathi.S
6. Sujith Jayan Alex.J
7. Vinoth.Y.
8. Thennagathamizhan.K.
9. Vinothini,M.
- 10.Maheswary,P.
- 11.Ashok Kumar.J
- 12.Murugaiyan.K.
- 13.Kamalacannane.a.
- 14.Vidya.JC
- 15.Murugan.D.
- 16.Pregash.D.
- 17.Murugaraj.M.
- 18.Arul Prasad.J.
- 19.Sithanandam @ Muthukumaran.D.
- 20.Sendhil.R.
- 21.Sudandiram.S.
- 22.Tharanidaran.V.
- 23.Elamvazhudhi.S.
- 24.Thennagathamizhan.K.
- 25.Velavan.R.
- 26.Shalini.P.
- 27.Mahadevan.A.
- 28.Ranjitha.K.

29.Bharathiraja.M.
30.Santhiya.P.
31.Ilavarasi.B.
32.Murugaraj.M.
33.Pushparaj.N.
34.Kowsalya.S.
35.Nandhini.P.
36.Vasantharaj.J.
37.Prabakaran.P.
38.Sivamathi.G.
39.Parameswari.S.
40.John Joseph
41.Sandirasagarane.K.
42.Devendran.R.
43.Jayabarathi.P.
44.Sadheesh.A.
45.Sharan Mohan.S
46.Vineetha.MM

47. The Registrar,
Central Administrative Tribunal,
Madras Bench,
High Court Buildings,
Chennai - 600 104.

... Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of Writ of Certiorari to call for the concerned records relating to the order dated 01.02.2016 in O.A.No.310/01735/2015 passed by the Hon'ble Central Administrative Tribunal, Madras Bench and quash the same.

For Petitioners : Mr.M.Gnanasekar

For Respondents : R. Syed Mustafa for R1

O R D E R

(Order of the Court was made by S. VAIDYANATHAN,J.)

Mr.R.Syed Mustafa, learned counsel takes notice for first respondent. With the consent of both sides, the Writ Petition itself is taken up for final disposal at the admission stage itself.

2. Challenging the order dated 01.02.2016 in O.A.No.310/01735/2015 passed by the Tribunal modifying the interim order already granted, the petitioner has filed the present Writ Petition.

3. The brief facts of the case are as follows:

The petitioner has completed Bachelor of Physical Education 3 years degree course through regular course in Annamalai University. The first respondent has called for applications to fill up 22 posts of Physical Education Teacher and the essential qualification prescribed is a basic degree in Physical Education. The petitioner has applied for the said post and awaiting for the interview. In the meantime, the first respondent issued another notification relaxing certain rules with regard to the qualification. The allegation of the petitioner is that the first respondent without following any procedure, published a select list on 07.12.2015 selecting respondents 2 to 46 on the basis of the marks obtained by the candidates in B.P.E and B.Ped Courses. Hence, the petitioner has filed W.P.No.37712 of 2015 before this Court. This Court, by order 26.11.2015 dismissed the Writ Petition granting liberty to the petitioner to approach the Tribunal. Hence, the petitioner has filed Original Application No.310 of 2015 before the Tribunal seeking to set aside the select list dated 07.12.2015. The Tribunal, by order dated 23.12.2015, on the basis of the information obtained under RTI, directed the respondents therein not to issue appointment orders to the unofficial respondents who have obtained certificates from the Community College, Puducherry. Thereafter, on the application filed by the aggrieved persons in M.A.No.301/00064/2016 to vacate the order of interim stay, the Tribunal, by order dated 01.02.2016, modified the interim order already granted stating that any action taken by the respondents in pursuance of the relevant notification and selection thereunder shall be subject to outcome of the Original Application.

4. Aggrieved by such modification, the petitioner has filed the present Writ Petition on the ground that the petitioner was not given opportunity to state his case. He further states that the interim order granted by the Bench after hearing the Government was vacated by another Bench without hearing the Government.

5. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the first respondent and perused the materials placed before this Court.

6. It is not in dispute that interim order granted by the Tribunal was modified subsequently and the Original Application is still pending. Since the main issue is pending before the Tribunal, we find that the prayer sought for by the petitioner at this stage cannot be granted. The Tribunal has modified the order stating that any action taken by the respondents therein in pursuance of the relevant notification and selection

thereunder shall be subject to the outcome of the Original Application. Since the issue has to be answered by the Tribunal in the Original Application and the action taken by the respondents is dependent on the outcome of the Original Application, we find no error in the order passed by the Tribunal. However, taking note of the urgency in this matter, we dispose of this Writ Petition directing the Tribunal to expedite the hearing of the Original Petition and pass orders as expeditiously as possible. No costs. Consequently, W.M.P.No.3887 of 2016 is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1. The Director,
Union of India,
Directorate of School Education,
Perunthalaivar Kamarajar Centenary
Educational Complex,
100 feet Road, Anna Nagar,
Puducherry - 600 005.
2. The Registrar,
Central Administrative Tribunal,
Chennai Bench,
Chennai - 600 104.

+1cc to Mr.M.Gnanasekar, Advocate, S.R.No.7733
+1cc to the Government Pleader, S.R.No.7832

Writ Petition No. 4544 of 2016
& W.M.P.No.3887 of 2016

lrs(CO)
srg(22/02/2016)