

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
(CONTEMPT JURISDICTION)

FRIDAY, THE 1ST DAY OF FEBRUARY, 2019

THE HON'BLE MR.JUSTICE S.MANIKUMAR

AND

THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

CONTEMPT PETITION NO.1773 OF 2015

IN

W.P.NO.25062/2012

\*\*\*\*\*

S.Karuppiah,  
Founder of Central & State Government  
Scheduled Caste and Scheduled Tribes,  
Employees Federation,  
No.1-A, Bharathi Nagar,  
Main Road, Perunkalathur,  
Chennai - 48. .... Petitioner

Vs

- 1.Apurva Varma,  
Principal Secretary,  
Home Department,  
The Government of Tamil Nadu,  
Secreteriate, Fort St. George,  
Chennai - 9.
- 2.Kannagi Packianathan,  
Secretary to Government,  
Adi Dravidar and Tribal Welfare Department,  
Fort St. George, Chennai - 9.
- 3.N.Subramani,  
Chairman of the High Level Committee  
for Schedule Caste,  
Fort St. George, Chennai - 9. .... Respondents

pleased to punish the respondent for committed wilful contempt of the order of this Hon'ble High court made in W.P.No.25062/2012 dated 18.07.2014.

The above Contempt Petition coming on this day before this Court for hearing in the presence of Mr.P.Vijendran, Advocate for the petitioner herein; and of Mr.R.Udayakumar, learned Additional Government Pleader appearing for the Respondent herein; and upon reading the petition and the affidavit of S.Karuppiah, filed herein; the Court made the following order:

***"After deliberation and taking note of the shortfall vacancies of SC/ST vacancies in various departments furnished by the Additional Chief Secretary, Adi Dravidar Welfare Department, we observed as hereunder.***

***"10. Today, learned Counsel for the Tamil Nadu Public Service Commission, states that with the given particulars, Commission would complete the recruitment process, within 6 months. Special drive by the recruitment agencies, Tamil Nadu Public Service Commission, Teachers Recruitment Board and Employment Exchanges, to be done, as expeditiously as possible.***

***11. Post on 09.10.2018"***

***2. Though, Government order has been issued in the year 2016 and when full particulars have been given in the year 2018, after two years, there is a direction to fill up the post immediately, no steps have been taken.***

***3. On 10.10.2018, a statement was made before this Court that the entire recruitment process would be completed within six months. Therefore on 10.10.2018, we directed the recruiting agencies, the Secretary, Tamilnadu***

Public Service Commission [TNPSC], Chairman, Medical Services Recruitment Board [MSRB], the Secretary, Teachers Recruitment Board [TRB] and the Commissioner, Directorate of Employment and Training, to issue appropriate notifications in newspapers calling for applications from the eligible candidates to fill up SC/ST shortfall vacancies, within one month from 10.10.2018 and complete the process as expeditiously as possible, but not later than six months, as agreed to by Tamil Nadu Public Service Commission.

4. In the order dated 10.10.2018, while issuing directions to fill up SC/ST shortfall vacancies through a Special drive, it was made clear that there should not be any delay in implementing the directions issued in W.P.No.2973 of 2018.

5. Thus, recording the above, Contempt Petition was closed. Subsequently, on 10.12.2018, when W.P.No.2973 of 2018 came up for hearing, the Secretary, Tamilnadu Public Service Commission, has filed an affidavit stating that after consultation with the heads of various departments, notification in respect of shortfall SC/ST vacancies within the purview of TNPSC, have been issued. However, it was noticed that the Chairman, Medical Services Recruitment Board [MSRB], the Secretary, Teachers Recruitment Board [TRB] and the Commissioner, Directorate of Employment and Training, have not filed any affidavit or produced materials before this Court to prove that the directions dated 10.10.2018, to call for the applications from eligible candidates to fill up the vacancies have been complied with or not. Therefore, when the matter came up on 28.01.2019, we directed the Secretary, Teachers

Recruitment Board [TRB] and the Commissioner, Directorate of Employment and Training, to file affidavits as to whether the order dated 10.10.2018, has been complied with or not.

6. On this day, when the matter came up for further hearing, Member Secretary, Medical Services Recruitment Board has filed an affidavit dated 31.01.2019, that the process of recruitment would be completed within a period of six months. Member Secretary, Medical Services Recruitment Board, has set out a time schedule for the examination and selection process with duration of 108 days.

7. Learned Government Advocate appearing for the Chairman, Teachers Recruitment Board, submitted that due to pendency of a Writ Appeal and writ petition, directions of this Court dated 10.10.2018 could not be complied with. However, no order of this Court restraining the Teachers Recruitment Board from calling for applications from eligible candidates to fill up the shortfall vacancies of SC/ST, as furnished by the Additional Chief Secretary to Government, Adidraavidar Welfare Department, has been produced and therefore, reasons assigned are not acceptable. Besides the above, recruiting agencies did not put forth such contention on 10.10.2018, when directions were issued.

8. On behalf of the Commissioner, Directorate of Employment and Training, Chennai, Mr.R.Udayakumar, learned Additional Government Pleader submitted that heads of the department where vacancies have been identified, ought to have issued notifications and called for the list of eligible persons from the employment exchanges, which

apparently in case on hand has not been done.

9. Thus, it is evident that except Tamilnadu Public Service Commission [TNPSC], Medical Services Recruitment Board [MSRB], Teachers Recruitment Board [TRB] and Directorate of Employment and Training, Chennai, have not taken even the initiative to call for the applications from the eligible candidates within one month, as ordered on 10.10.2018 and now, has come out with different reasons.

10. As observed in the foregoing paragraph, Contempt Petition has been filed in the year 2015. Despite the orders of this Court dated 10.10.2018, Chairman, Medical Services Recruitment Board [MSRB], the Secretary, Teachers Recruitment Board [TRB] and the Commissioner, Directorate of Employment and Training, have not taken steps, so far, except to file an affidavit giving a time schedule. Prima facie, order dated 10.10.2018, has not been complied with by the abovesaid three agencies. Hence, this Court is constrained to issue suo motu contempt notice to the Chairman, Medical Services Recruitment Board [MSRB], the Secretary, Teachers Recruitment Board [TRB] and the Commissioner, Directorate of Employment and Training, to respond, as to why further action should not be taken under the Contempt of Courts Act.

11. Mr.V.Rajaraman, Chairman, Medical Recruitment Board and Mr.M.Thangavel, Member Secretary, Medical Recruitment Board, are present in Court and hence, statutory notice to Medical Services Recruitment Board [MSRB], is waived and their appearance and response to the Contempt notice, is not necessary. Others to respond to the statutory notice.

12. Mr.S.R.Rajagopal, learned Additional Advocate General submitted that within one week, notifications would be issued. It is open to Chairman, Medical Services Recruitment Board [MSRB], the Secretary, Teachers Recruitment Board [TRB] and the Commissioner, Directorate of Employment and Training, to issue appropriate notification, but at the same time respond to the contempt notice.

13. Though four weeks notice is the statutory period, liberty is given to the Secretary, Teachers Recruitment Board [TRB] and the Commissioner, Directorate of Employment and Training, to seek for early hearing on the contempt notice, if directions are complied with.

14. Post on 01.03.2019."

WITNESS THE HON'BLE SHRIMATI. JUSTICE VIJAYA KAMLESH TAHILRAMANI, THE CHIEF JUSTICE OF HIGH COURT AT MADRAS, AS AFORESAID, THIS THE 01<sup>st</sup> DAY OF FEBRUARY 2019.

SD/-  
सत्यमेव जयते  
JOINT REGISTRAR(OS)

//Certified to be true copy//

Dated at Madras this the day of 2018.

COURT OFFICER(O.S.)

from 25<sup>th</sup> day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.

RA/08/02/2019

CONTEMPT PETITION No.1773/2015

THE HON'BLE MR.JUSTICE

S.MANIKUMAR

AND

THE HON'BLE MR.JUSTICE

SUBRAMONIUM PRASAD

ORDER

DATED : 01/02/2019

FOR APPROVAL :08/02/2019

APPROVED ON :08/02/2019

Copy to:

1.Apurva Varma,  
Principal Secretary,  
Home Department,  
The Government of Tamil Nadu,  
Secreteriate,  
Fort St. George,  
Chennai - 9.

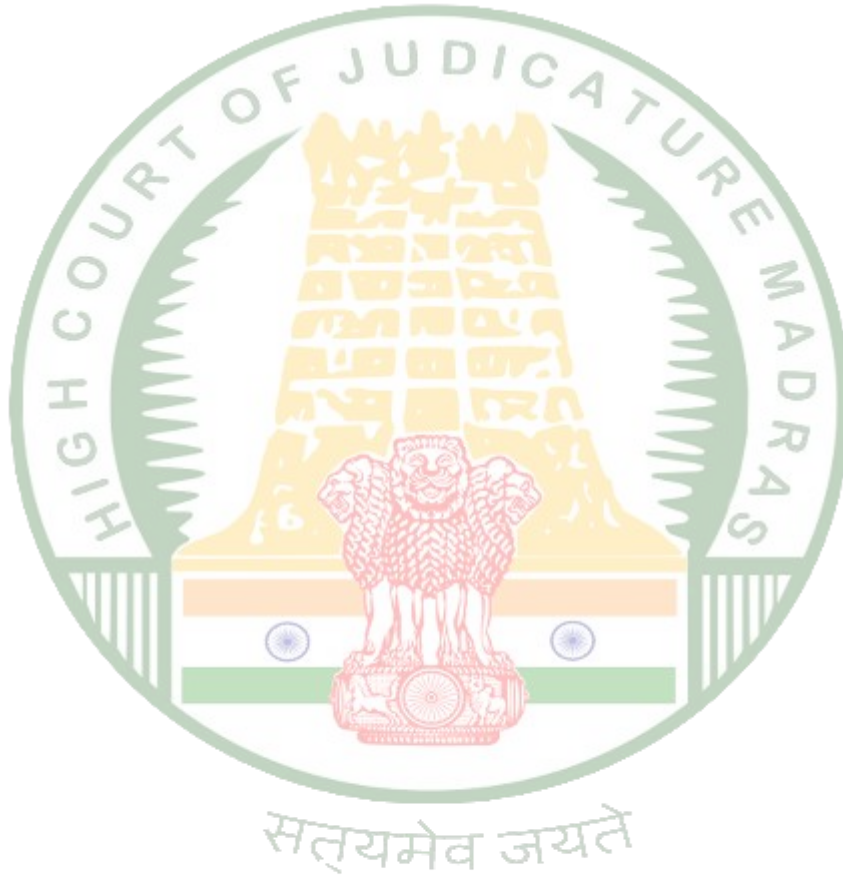
2.Kannagi Packianathan,  
Secretary to Government,  
Adi Dravidar and Tribal  
Welfare Department,  
Fort St. George, Chennai - 9.

3.N.Subramani,  
Chairman of the High Level  
Committee for Schedule Caste,  
Fort St. George, Chennai - 9.

4.THE CHAIRMAN,  
MEDICAL SERVICES RECRUITMENT  
BOARD(MSRB), DMS,  
CHENNAI-600 006.

5.THE SECRETARY,  
TEACHERS RECRUITMENT BORAD(TRB)  
COLLEGE ROAD, CHENNAI-600006.

6.THE COMMISSIONER,  
DIRECTORATE OF EMPLOYMENT AND  
TRAINING, GUINDY, CHENNAI-32.



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