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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2018

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

Contempt Petition No.2183 of 2015

D.Velmurugan
S/o.Duraisamy

... Petitioner

Versus

1.Vibhu Nayar, I.A.S.,
Chairman,
Teachers Recruitment Board,
4th Floor, E.V.K.Sampath Building,
DPI Campus, College Road,
Chennai - 600 006.

2.M.Devadass,
Director of Collegiate Education,
DPI Campus, College Road,
Chennai - 600 006.

... Respondents

Contempt Petition filed under Section 11 of the Contempt of Courts Act to punish the respondent for willful disobedience of the order of this Court passed in M.P.No.1 of 2014 in W.P.No.32213 of 2014 dated 07.04.2015.

For Petitioner : Mr.G.Sankaran

For Respondents: Mr.A.Rajaperumal
Additional Government Pleader

O R D E R

The petitioner, alleging violation of the interim direction dated 07.04.2015, came forward to file this

Contempt Petition.



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2. Learned counsel for the petitioner would submit that despite a positive direction and though the petitioner belongs to Scheduled Caste, no such reservation has been given. Therefore, the respondents are guilty of willful disobedience and violation of the said order.

3. Mr.A.Rajaperumal, learned Additional Government Pleader, brought to the attention of this Court the additional counter affidavit of the first respondent dated 2017 and would submit that vacancies arose due to non-availability of persons with disability of one category in the previous recruitment year and it will be carried forward to the subsequent year and even in that year, if a suitable person with disability is not available, it may be first filled up by interchange among the three categories as per the provisions of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and even if interchanging of Deaf vacancy to Ortho is considered, one D.Jesudurai with 26 marks out of 34 is available in the general merit list and the petitioner has secured only 12 marks out of 34 and as such, it cannot be said that respondents have committed contempt of Court and would further aver that the petitioner is always entitled to work out his remedy in the pending Writ Petition.

4. This Court has considered the rival submissions and also perused the materials placed before it.



5. In the considered opinion of this Court, in the light of the stand taken by the first respondent in the additional counter affidavit as well as in the reply affidavit by the petitioner, it is for the petitioner to work out his remedy in the pending Writ Petition since there are factual disputes as to the application of the said reserved category.

Therefore, the Contempt Petition is closed. The petitioner is always at liberty to urge all the points available to him in the pending Writ Petition. Since the Writ Petition is of the year 2014 and that the petitioner is a physically disabled person and belongs to Scheduled Caste, Registry is directed to give priority for early listing of the Writ Petition for final disposal.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

gm

//Certified to be true copy//

Dated at Madras this the day of 2018.

COURT OFFICER (O.S.)

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

PS/11/10/2018



To

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1. The Chairman,
Teachers Recruitment Board,
4th Floor, E.V.K.Sampath Building,
DPI Campus, College Road,
Chennai - 600 006.
2. The Director of Collegiate Education,
DPI Campus, College Road,
Chennai - 600 006.