

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 07.02.2019

Delivered on : 12.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE **M.V.MURALIDARAN**

Cont.P.No.1763 of 2018
in
W.P.No.34844 of 2013

T.Nedumaran ... Petitioner

Vs.

Jayanthi, I.A.S.,
The Chairman,
Teacher Recruitment Board,
4th Floor, EVK Sampath Maligai,
DPI Campus, College Road,
Chennai - 600 006. ... Respondent

Prayer: Petition filed under Section 11 of the Contempt of Courts Act, to punish the Respondent for wilfully disobeying the orders passed in W.P.No.34844 of 2013 dated 05.12.2017, on the file of this Court.

For Petitioner : Mr.G.Sankaran
For Respondent : Mrs.P.Kavitha
Government Advocate

ORDER

This contempt petition has been filed under Section

11 of the Contempt of Courts Act to punish the respondent
<https://hcservices.ecourts.gov.in/hcservices/>

for wilfully disobeying the order dated 5.12.2017 passed in

W.P.No.34844 of 2013.

2. The petitioner has filed the writ petition, being W.P.No.34844 of 2013, seeking issuance of a writ of mandamus directing the first respondent to award appropriate marks for Teaching Experience to the petitioner (Regn. No.1627534) by considering the Teaching Experience gained by the petitioner from 1.9.2003 onwards for selection to the Post of Assistant Professor in business Administration based on the Notification/Prospectus issued by first respondent Teacher Recruitment Board dated May 2013 for direct recruitment of Assistant Professor in Tamil Nadu Collegiate Education Service in 2012 and consequently direct the first respondent to allow the petitioner to undergo the process of selection, including interview and to select and appoint the petitioner to the post of Assistant Professor in Business Administration based on merits in the selection.

3. This Court, by order dated 5.12.2017, after threadbare analysis of the facts and circumstances of the case, held as under:

"16. From a consideration of the above said aspect and also the admitted fact that the petitioner was awarded 9 marks for educational qualification as he possessed Ph. D. and the further fact that he was awarded 7 marks for

the interview, the total marks secured by the petitioner in the selection procedure ought to have been fixed at $15+9+7=31$ out of 34. As the cut off marks was admittedly 31 out of 34, the petitioner's name would not have been omitted from the purview of consideration for appointment to the post of Assistant Professor in the B.C. Category, since the failure to award the '1' mark for which he was eligible, he was pushed out of the zone of consideration.

17. In view of the above said finding, this Court hereby directs the 1st respondent to award full marks (15 marks) for teaching experience to the petitioner, take his total score in the process of selection as 31 out of 34, consider his name for appointment to the post of Assistant Professor in Business Administration in Tamil Nadu Collegiate Education Service and issue appointment order.

18. In the result:

(a) this writ petition is allowed;

(b) the 1st respondent is directed to award full marks (15 marks) to the petitioner for his Teaching Experience;

(c) the 1st respondent is directed to take the petitioner's total score in the process of selection as 31 out of 34 marks and consider his name for appointment to the post of Assistant Professor in Business

Administration;

(d) the said exercise shall be done within a period of four weeks from the date of receipt of a copy of this order...."

4. Complaining that despite the above order passed by this Court, the respondent has neither awarded full marks to the petitioner, nor considered his name for appointment to the post of Assistant Professor in Business Administration, the petitioner, through his counsel, sent a notice on 4.6.2018.

5. I heard Mr.G.Sankaran, learned counsel for the petitioner and Mrs.P.Kavitha, learned Government Advocate for the respondent and perused the documents available on record.

6. It is seen from the proceedings dated 7.12.2018 of the Chairman, Teachers Recruitment Board, Chennai addressed to the Director, Directorate of Collegiate Education, Chennai that the case of the petitioner was considered in the light of the order passed in the writ petition and it was found that even though 31 marks are awarded to the petitioner, three candidates who are seniors in date of birth are available in the merit list, and, therefore, it was held that it is not feasible to consider the case of the petitioner. In any event, it is stated that the respondent, being aggrieved by the order passed by

this Court in the writ petition, had filed an appeal in W.A.No.297 of 2018 before a Division Bench of this Court and the same is pending.

7. Inasmuch as the respondent pursuant to the order passed by this Court had considered the case of the petitioner on merits by awarding 31 marks and found that the petitioner is junior in date of birth and rejected the case of the petitioner by proceedings in Rc.No.12709/L1/2017, dated 3.10.2018, this Court does not wish to pass any order in this contempt, but for leaving it open to the petitioner to challenge the said proceedings dated 3.10.2018 in the manner known to law and to contest his case in the writ appeal already filed by the respondent.

8. In such view of the matter, no further orders are required in the contempt petition and the same is closed. No costs.

सत्यमेव जयते

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

vs

//Certified to be true copy//

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Dated at Madras this the day of 2019.

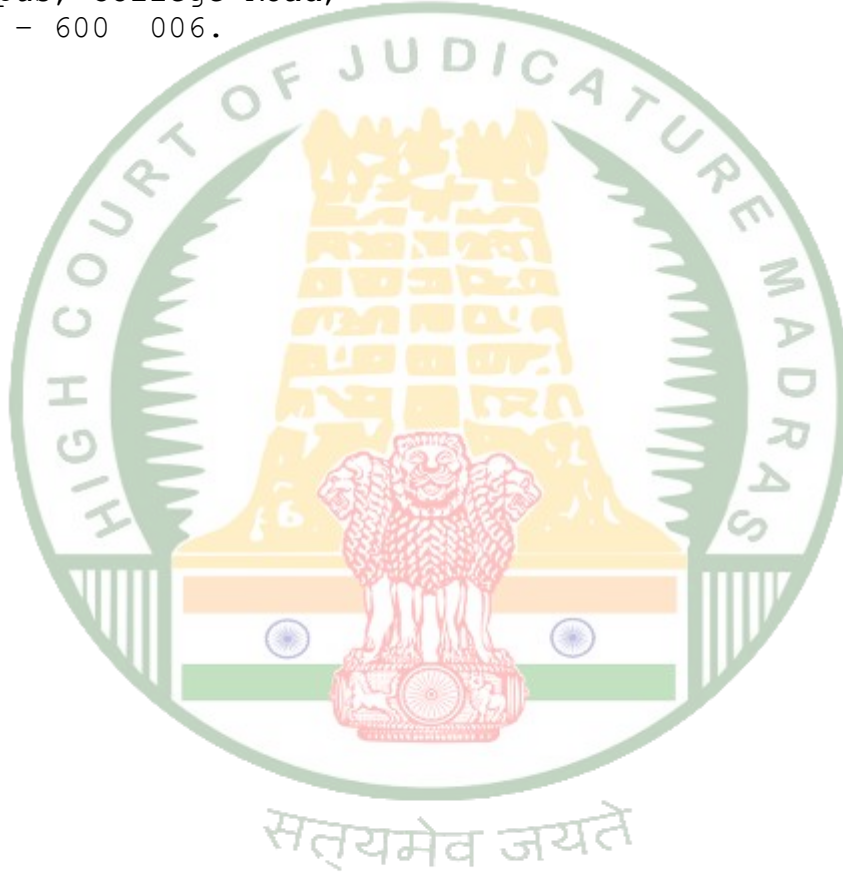
COURT OFFICER (O.S.)

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

SS/22/03/2019

To

The Chairman,
Teacher Recruitment Board,
4th Floor, EVK Sampath Maligai,
DPI Campus, College Road,
Chennai - 600 006.



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