

W.M.P.Nos.34922/2017 and 8700 and 8701 of 2018
in Review Appl.Nos.126 of 2013 and 104, 105 of 2017

K.K.SASIDHARAN, J.

and

P.T.ASHA, J.

(Order of the Court was made by P.T.ASHA, J.)

This Court, taking into account the grounds raised by the applicants in the review applications and the stand taken by the Government of Union Territory of Puducherry, disposed of the review applications by directing the Government of Puducherry to redraw and publish the Select List strictly on the basis of the marks obtained by the candidates in the Limited Departmental Competitive Examination held on 26 November 2006.

2. Three applicants in Review A.No.126 of 2013 have come up with W.M.P.No.34992 of 2017 and the Government of Union Territory of Puducherry has come up with W.M.P.Nos.8700 and 8701 of 2018 for modification of the order in the review applications.

3. This Court by order dated 4 December 2012 in W.P.No.4819, 4820, 12142, 24085, 24086 of 2010 and 23389 and 23390 of 2012, dismissed the Writ Petitions filed by the petitioners and confirmed the order passed by the Central Administrative Tribunal, setting aside the

competitive examination and directed fresh examination to be conducted in accordance with the recruitment rule, for appointment to the post of Assistant Commercial Tax Officers in the Commercial Tax Department, Government of Union Territory of Puducherry. The said common order was taken up before the Hon'ble Supreme Court by the Government of Puducherry in SLP.Nos.13712 to 13713 of 2013. The Special Leave Petitions were dismissed by order dated 18 April 2013. Thereafter, the petitioners, including the Union Territory of Puducherry, filed review applications in R.A.Nos.126 to 130 of 2013 and 104 and 105 of 2017 for review of the order in the Writ Petitions.

4. This Court, accepted the contentions taken by the review petitioners and passed the following order on 30 June 2017:-

42. We confirm the order passed by the Tribunal, setting aside the Select List prepared by giving grace marks to all the candidates. We set aside the direction to conduct fresh examination in accordance with the Recruitment Rules for selection of Assistant Commercial Tax Officer. We grant the consequential relief claimed by the respondents in the Original Applications, by directing the Government of Puducherry to redraw and publish the Select List strictly on the basis of the marks obtained by the

candidates in the Limited Departmental Competitive Examination held on 26 November 2006. Such exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

5. The order dated 30 June 2017 has become final.

6. The Government of Union Territory of Puducherry has adopted a very strange method to keep the entire selection process in cold storage by filing the modification petition.

7. This Court, while reviewing the order, in fact approved the contentions taken by the Government of Union Territory of Puducherry and directed to go ahead with the selection process strictly on the basis of the marks obtained by the candidates in the Limited Departmental Competitive Examination held on 26 November 2006. Even though time limit of four weeks was stipulated, the fact remains that further process was not undertaken by the Union Territory of Puducherry. We are not aware as to whether the Chief Secretary to the Government of Union Territory of Puducherry was aware of the initiation of this modification petition.

8. Neither the candidates, who are the petitioners in W.M.P.No.34922 of 2017, nor the Union Territory of Puducherry, petitioners in W.M.P.Nos.8700 and 8701 of 2018 are in any way affected by the order passed by this Court. We do not understand as to why the Union Territory of Puducherry has filed the modification petitions, in spite of making the position clear by this Court earlier that it is open to the Government to redraw and publish the Select List strictly on the basis of the marks obtained by the candidates in the Limited Departmental Competitive Examination held on 26 November 2006.

9. The petitioners in W.M.P.Nos.8700 and 8701 of 2018 are not aggrieved by the order of this Court, for the simple reason that it was only by upholding the stand taken by the Union Territory of Puducherry that they would proceed with the selection process on the basis of the marks obtained by the candidates in the Limited Departmental Competitive Examination held on 26 November 2006 that liberty was granted to proceed further.

10. The fact that the Government of Puducherry has come up with this application clearly shows that they are not interested to proceed further, in spite of the order passed by this Court in the

review application filed by the very same Government.

11. The modification petitions are nothing but abuse of process of Court. Though the petitions are liable to be dismissed with cost, we refrain from doing so.

12. We direct the Chief Secretary to Government of Puducherry to ensure that the order passed by this Court dated 30 June 2017 in Review Application Nos.126 to 130 of 2013 and 104 and 105 of 2017 is complied with in its letter and spirit, as expeditiously as possible and in any case, on or before 5 August 2019. The Chief Secretary shall file a report of compliance before this Court on 7 August 2019.

13. We direct the Registry to post this matter for filing compliance report on 7 August 2019.

(K.K.SASIDHARAN, J.)

(P.T.ASHA, J.)

03.07.2019

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Registry to note :-

Forward a copy of this order to the
Chief Secretary,
Government of Puducherry,
Goubert Avenue, Beach Road,
White Town, Puducherry, 605001, **forthwith.**

K.K.SASIDHARAN, J.

and

P.T.ASHA, J.

(tar)



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and 8700 and 8701 of 2018

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