



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

and

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.5687 of 2020

WEB COPY

K.M.Karthik

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Higher Education Department,
Fort St.George,
Chennai.

2.Teachers Recruitment Board,
Rep. by its Member Secretary,
4th Floor, EVK Sampath Maaligai,
DPI Campus, College Road,
Chennai.

3.Teachers Recruitment Board,
Rep. by its Chairman,
4th Floor, EVK Sampath Maaligai,
DPI Campus, College Road,
Chennai.

4.The Additional Deputy Commissioner of Police,
Central Crime Branch - I,
Chennai Police,
Vepery, Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the respondents 1 to 3 to,

a) debar 196 candidates who were indulged in malpractice in connection with the notification issued in No.06/2017 dated 28.07.2017 by the 3rd respondent in the light of the complaint dated 14.12.2017 lodged by the 2nd respondent and the memo of the 4th respondent dated nil; and

b) return the fees paid by the candidates for the notification issued in No.14/2019 dated 27.11.2019 by the 3rd respondent who had already applied and paid under the notification no.06/2017 dated 28.07.2017, within a stipulated time limit.

For Petitioner : Mr.Abishek Yadav

for Mr.G.Thalaimutharasu



For Respondents: Mr.M.Pandiarajan,
Additional Government Pleader
for R.1 & R.4

Mr.V.R.Shanmuganathan
for R.2 & R.3

ORDER

(Order of the Court was made by **P.N.PRAKASH, J.**)

The petitioner has filed this writ petition as a public interest litigation to debar 196 candidates who had indulged in malpractice in connection with the notification issued in No.06/2017 dated 28.07.2017 by the third respondent and to return the fees paid by the candidates.

2. The Teachers Recruitment Board issued a notification dated 28.07.2017 for recruitment of Lecturers in Polytechnic Colleges and after the results were announced, it was found that the selection process was thwarted on account of some malpractices. Therefore, the entire selection process was cancelled. While so, the petitioner filed a Public Interest Litigation in the Supreme Court in W.P. (Civil)No.365 of 2020 to debar 196 candidates who were found guilty of malpractice. When the writ petition came up for hearing, the Hon'ble Supreme Court passed the following order on 02.03.2020:

"Learned Counsel for the petitioner seeking permission to withdraw this writ petition filed under Article 32 of the Constitution of India with liberty to approach the High Court.

Permission is granted.

The writ petition is, accordingly, dismissed as withdrawn with the aforesaid liberty."

Thereafter, the petitioner has filed the present public interest litigation.

3. Heard the learned Counsel appearing for the petitioner; the learned Additional Government Pleader appearing for the State / respondents 1 & 4; the learned Counsel appearing for the Teachers Recruitment Board / respondents 2 & 3.

4. The learned Counsel appearing for the Teachers Recruitment Board submitted that the Board itself has decided to debar the 196 candidates, who have indulged in the malpractice.

5. Be that as it may, in the opinion of this Court, this petition, as a public interest litigation, cannot be maintained, as it falls within the domain of service jurisprudence. That apart, those 196 candidates have also not been impleaded as parties before this Court.



petitioner intervened and submitted that this public interest litigation has been filed pursuant to the order dated 02.03.2020 passed by the Hon'ble Supreme Court and therefore, the same should be entertained by this Court. We have carefully perused the order dated 02.03.2020, which has been extracted supra. The order does not grant permission to the petitioner to file a public interest litigation in this form. It appears the petitioner had made a representation before the Supreme Court that he would approach the High Court and sought liberty. That liberty has been granted by the Supreme Court and nothing more. In other words, it is always open for the petitioner to file a regular writ petition before the Service bench of this Court by impleading the necessary parties and not a public interest litigation before this bench.

7. In fine, this writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

gk

To

1.The Secretary to Government,
Higher Education Department,
The State of Tamil Nadu,
Fort St.George,
Chennai.

2.The Additional Deputy Commissioner of Police,
Central Crime Branch - I,
Chennai Police,
Vepery, Chennai.

+1 CC to M/s.G.THALAIMUTHARASU, Advocate (SR-12343[F] dated 18/03/2020)

+1 CC to M/s.SPL.GP (SR-12465[F] dated 19/03/2020)

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KK/13.05.2020/ 3P- 5C