

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Order Reserved on : 19.02.2021

Order pronounced on : 26-02-2021

CORAM:

THE HONOURABLE MR.JUSTICE R. SUBBIAH

Contempt Petition No. 375 of 2015

Adi Dravidar Marumalarchi Association
Registration No.371/2011
represented by its President
M.S. Manikesan
No.188, 105 Feet Road
Sivananda Colony
Tatabad
Coimbatore - 641 012

.. Petitioner

Versus

Dr. R. Rabindran
The Registrar
Tamil Nadu Agricultural University
Coimbatore - 641 003

.. Respondent

Contempt Petition filed under Section 11 of The Contempt of Courts Act
praying to punish the respondent for his acts of Contempt of Court for wilful
disobedience of the order dated 12.12.2013 passed in WP No. 26769 of 2013
passed by this Court.

For Petitioner : Mr. P. Raja

For respondent : Mr. Abdul Saleem

ORDER

This contempt petition is filed complaining non-compliance of the order dated 12.12.2013 passed by this Court in WP No. 26769 of 2013. By the said order, dated 22.12.2015, this Court directed the first respondent herein to issue a notification calling for the application for filling up the posts of Assistant Professor by adhering to the selection by discipline-wise roster system within a period of three weeks. The first respondent was also given liberty to process the applications which were received prior to the notification dated 09.09.2013, which was impugned in the writ petition.

2. The grievance expressed by the petitioner association in the Writ Petition is that while issuing the notification dated 09.09.2013, the first respondent has pooled all the vacant posts in the University without maintaining department roster system. This, according to the petitioner is against the reservation policy of the State by which the members of the petitioner association were deprived of an opportunity to get selected to the post of Assistant Professor.

3. Today, when the Contempt Petition is taken up for hearing, the first respondent has filed a counter affidavit contending *inter alia* that pursuant to

the order dated 12.12.2013, the first respondent has issued a notification dated 18.12.2013 vide Advertisement No.Re/01/(Regular Vacancy)/2013 (Revised) in their website www.tnau.ac.in calling for applications for recruitment to the post of 166 posts, in discipline/department wise roster system. It is also stated in the counter affidavit that in the advertisement dated 18.12.2013 reference was also made to the communal and other reservations as ordered in G.O. Ms. No.241, Personnel and Administrative Reforms (K) Department dated 29.10.2007. The petitioner association also challenged the said notification dated 18.12.2013 by filing WP No. 5367 of 2014 before this Court. By order dated 09.10.2017, this Court dismissed WP No. 5367 of 2014 with an observation that the selection notification cannot be challenged at the whims and fancies of the candidates, if at all, the notification can be challenged only on exceptional circumstances.

4. Thus, it is clear from the counter affidavit that the first respondent, in compliance with the directions issued by this Court in the order dated 12.12.2013, had issued the notification dated 18.12.2013. The petitioner also unsuccessfully challenged the validity of the notification dated 18.12.2013 of the first respondent before this Court by filing WP No. 5367 of 2014 inasmuch as it was dismissed by this Court on 09.10.2017. In such circumstances, this Court

is of the view that the first respondent has complied with the order dated 12.12.2013 passed by this Court in WP No. 26769 of 2013. While so, the question of wilful disobedience or breach of the directions on the part of the first respondent in complying with the order passed by this Court will not arise.

5. In such view of the matter, the Contempt Petition is liable to be dismissed and accordingly, it is dismissed. No costs.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

rsh

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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GS/23/03/2021

To

The Registrar
Tamil Nadu Agricultural University
Coimbatore - 641 003