



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS. JUSTICE S.ANANTHI

W.A. (MD)No.380 of 2021

1.A.Mercy Vasam

2.G.Gayathri

3.R.C.Hemesh

4.Regu Gurusundar

5.G.Sangeetha

:Appellants/Petitioners

1,4,6,8,28

Vs.

1.D.Thileepavathi

2.D.Vanaja

3.P.Navammal

4.S.Suganya

5.G.Samuel Muthuraj

6.M.Priya

7.C.R.Kavitha Rani

8.M.Vanniyaraj

9.Ananthi

10.A.Ruth Jency

11.Ram Prabha

12.Jeyashree

13.K.Mariappan



15.T.Malliga

16.Annam Muthupandian

17.V.Dhivya

18.M.Vijayakumar

19.D.Madhumitha

20.C.Karthikha

21.Jeya Girubha

22.S.Packiyaraj

23.K.S.Saravanakumar

24.Mystica

...Respondents 1 to 24/
Petitioners 2,3,5,7,9 to 27, 29

25.The State of Tamilnadu

Rep. by its Secretary to Government
Higher Education Department
Fort St. George, Chennai.

26.Teachers Recruitment Board,

Rep. by its Member Secretary
4th floor, EVK Sampath Maaligai
DPI Campus, College Road,
Chennai.

27.Teachers Recruitment Board

Rep. by its Chairman
4th floor, EVK Sampath Maaligai
DPI Campus, College Road,
Chennai.

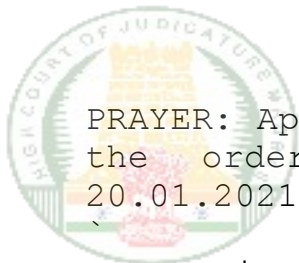
28.Tamil Nadu Public Service Commission

Rep. by its Secretary,
Road Park Town VOC Nagar,
Chennai.

29.Tamil Nadu Public Service Commission,

Rep. by its Chairman,
Road Park, VOC Nagar,
Chennai.

: Respondents 25 to 29/
Respondents 1 to 5



PRAYER: Appeal filed under Clause 15 of the Letters Patent against the order of this Court in W.P.(MD) No.13270/2020 dated 20.01.2021.

Prayer in WP(MD). 13270/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus or any other writ or direction or order in the nature of a Writ to direct the respondents No.3 to cancel the withdrawal Notification dt.9.2.2018 and prepare a revised merit list and conduct certificate verification after segregation of banned tainted from non-tainted candidates and conduct reexamination in view of the notification No.14/2019 after revising new vacancy positions and incorporation of necessary changes.

For Appellants : Mr.G.Prabhu Rajadurai

For Respondents : Mrs.S.Srimathy for R25
Special Government pleader

Mr.V.R.Shanmuganathan for R26&27
Standing counsel for TRB

Mr.D.Sivaraman for R28 & 29

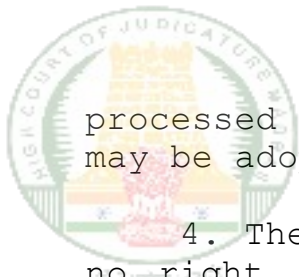
JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J.)

It is the third round of litigation.

2. The recruitment process of the respondent Teachers Recruitment Board (TRB) was found to be faulty. On an earlier round of litigation, the decision of the TRB to go for fresh notification, after having found the mal practice, was found to be correct. The decision of the Division Bench has been approved by the orders passed by the Apex Court. In pursuant to the same, the respondent Board has initiated process by issuing notification calling for fresh recruitment. At this point of time, the present writ petition has been filed asking the respondents to reconsider the decision made by involving the process of segregating such of those cases involving mal practices. The learned single Judge dismissed the writ petition. Hence, the writ appeal.

3. The learned counsel for the appellants submitted that there are instances, where the Governmental authorities identified the cases involving mal practices and the remaining cases were



processed and recruitment was made. Therefore, the same yardstick may be adopted in the case on hand also.

4. The learned counsel for the respondent Board submitted that no right is vested and a decision has been made, after finding large scale mal practice. This is solely the discretion of the respondent Board, which has been upheld by the Courts having attained finality.

5. We do not find any merit in this appeal. As of now, there is no right created or vested in favour of any of the candidates, who participated in the earlier selection process done in the year 2017. Admittedly, mal practice was found. It is in the wisdom of the respondent Board to go for fresh recruitment. These mal practices are the cases, which have been found out and therefore, there was every possibility of such large scale practice involving in other cases as well. In any case, no right, having been created and the decision having been upheld by the Courts coupled with the further decision to go for a new recruitment, we do not find any reason to interfere with the order of the learned Single Judge. Accordingly, the writ appeal is dismissed. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

RR

To

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

2.The Member Secretary
Teachers Recruitment Board,
4th floor, EVK Sampath Maaligai
DPI Campus, College Road, Chennai.

3.The Chairman
Teachers Recruitment Board
4th floor, EVK Sampath Maaligai
DPI Campus, College Road, Chennai.

<https://hcservices.ecourts.gov.in/hcservices/>



4.The Secretary,
Tamil Nadu Public Service Commission
Road Park Town VOC Nagar, Chennai.

5.The Chairman,
Tamil Nadu Public Service Commission,
Road Park, VOC Nagar,
Chennai.

+1 CC to Mr.D.SIVARAMAN, Advocate (SR-6082[F] dated 19/02/2021)

+1 CC to Mr.G.PRABHU RAJADURAI, Advocate (SR-6248[F] dated
19/02/2021)

+1 CC to SPL GP (SR-6468[F] dated 22/02/2021)

**Order made in
W.A. (MD) No.380 of 2021
18.02.2021**

KM (09.03.2021) 5P 9C