



WEB COPY

Cont.P.No.688 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

Cont.P.No.688 of 2015

A.Vinothkumar

3/132, Melaveethi, Anaiyampatti Post,
Gangavalli Taluk, Salem District.

.. Petitioner

VS.

1.Thiru Vibhu Nayar, I.A.S.,
The Chairman,
Teachers Recruitment Board,
Chennai-600 008.

2.Selvi D.Vasundradevi,
The Member Secretary,
Teachers Recruitment Board,
Chennai-08.

.. Respondents

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, praying to punish the respondents for their wilful disobedience of this Court order made in W.P.No.731/2014 dated 13.02.2014.

For Petitioner : M.Vinoth Santhanam,
for Mr.T.Saravanan,

For Respondents : Mr.C.Kathiravan,
Special Government Pleader



ORDER

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2. Similar batch of writ petitions were filed in W.P.No.236 of 2013 etc., batch wherein this Court directed the TRB to work out the ranks of the petitioners therein by providing 21 Grace Marks and since the said orders were not complied with Cont.P.Nos.1198 etc., batch were filed and when the said contempt petitions were taken up for hearing on 02.03.2015, the said contempt petitions were closed by taking into consideration of the fact that tentative list has been placed before the Hon'ble Division Bench in Writ Appeals in W.A(MD)Nos.1089 & 1090 of 2013 etc., batch, wherein interim order has been passed by the Division Bench dated 11.12.2013.

3. Today, learned Standing Counsel for the respondents has placed the final orders passed in W.A.No.(MD)Nos.1089 and 1090 of 2013 etc., batch dated 20.02.2020 and it is relevant to extract paragraphs 15 and 16 of the said judgment:

“15. In addition to that, as above pointed out, when pursuant to the interim order passed by this Court in the writ appeals, dated 11.12.2013, when it is seen that the results of the examination had been published by the TRB on 03.01.2014 and consequent thereto, the appointment orders had been issued to the selected candidates on 21.02.2014 itself and the resultant position being that all the vacancies for the post of Post Graduate Assistants for Tamil subject



barring the two vacancies reserved for the first respondent as per the interim order passed in the writ appeals had been filled up and there is no vacancy available for making fresh appointment and accordingly, when the other writ petitions filed by the other candidates had been dismissed even by the learned Single Judge in the Principal Seat as well as by us as above pointed out and when it is seen that the selected candidates had been discharging their duties for the past seven years, in view of the abovesaid position, in our considered view, when much water has flown down under the bridge, at this point of time, it would not be proper and advisable to upset the apple cart by ordering the conduct of the fresh examination as directed by the learned Single Judge and in such view of the matter, the contention of the appellants that the learned Single Judge had failed to consider the essential facets, such as, time factor, cost factor, risk factor and also as above pointed out, cannot be easily ignored and when the exercise had been concluded in the conduct of the examination in entirety as on 21.02.2014 itself and thereafter also, when according to the learned Special Government Pleader, two selection process had been completed, the impugned common order dated 01.10.2013, passed in W.P.(MD) Nos.13267 and 14940 of 2013, is liable to be set aside.

16. In the light of the abovesaid discussions,

(a) The impugned common order, dated 01.10.2013, passed in W.P.(MD) Nos.13267 and 14940 of 2013, is set aside, and as the learned Special Government Pleader has admitted to take on board the first respondent in the writ appeals for the post of Post Graduate Assistants (Tamil) provided they fall within the zone of consideration



after adding 21 grace marks to them as directed by the Honourable Division Bench by interim order dated 11.12.2013, accordingly, the writ petitions filed by the first respondent in the writ appeals i.e. W.P.(MD) Nos. 13267 and 14940 of 2013 are ordered by directing the appellants to award 21 grace marks to the first respondent in the writ appeals and W.A.(MD) Nos.1089 & 1090 of 2013 and W.P.(MD) Nos.38, 507, 869, 946, 1333, 1403, 1575, 1589, 1658, 1720, 1818, 1882, 2084, 2213, 2271, 2394, 3304, 4038, 4972 & 5828 of 2014 thereby, if they are found to be falling within the zone of consideration, accommodate them in the reserved vacancies for the post of Post Graduates (Tamil). Accordingly, the writ appeals in W.A.(MD) Nos.1089 and 1090 of 2013 are disposed of;

(b) The writ petitions in W.P.(MD) Nos.38, 507, 869, 946, 1333, 1403, 1575, 1589, 1658, 1720, 1818, 1882, 2084, 2213, 2271, 2394, 3304, 4038, 4972 & 5828 of 2014 are dismissed.

(c) No costs. Consequently, connected miscellaneous petitions are closed.”

4. In view of the final order passed in W.A.(MD)Nos.1089 & 1090 of 2013, this Contempt Petition stands closed.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

jvm

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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GS/25/03/2022

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To

1. The Chairman,
Teachers Recruitment Board,
Chennai-600 008.

2. The Member Secretary,
Teachers Recruitment Board,
Chennai-08.