



CONT.P.Nos.1358 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2022

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

CONT.P.No.1358 of 2013

M.Ruba,
1/1A, Kalippa Street,
Veerappan Chatram,
Erode 638 004

..Petitioner

Vs

Surjit K Chaudhary, I.A.S,
Chairman/Director,
The Teachers' Recruitment Board,
E.V.K.Sampath Maaligai,
D.P.I Campus, College Road,
Nungambakkam, Chennai-6.

..Respondent

Prayer: Contempt Petition filed under Sections 11 of the Contempt of Courts act 1971 praying for punishing the respondents for willful disobedience of the order of this Court dated 20.02.2013 made in W.P.No. 3475 of 2013.

For Petitioner : Mr.S.Lakshminarayanan

For Respondent : Mr.C.Kathiravan, Spl.GP

ORDER

Writ petitioner has filed a writ petition in W.P.No. 3475 of 2013 challenging non selection for the post of PG Assistant by the respondent-Board. This Court by order dated 20.02.2013 allowed the said writ petition, observing that as per G.O.Ms.No. 104, Higher Education (H2) Department,



dated 22.06.2012 B.Sc., (Advanced Zoology and Bio-Technology) in the academic year of 2008-2009 is equivalent to B.Sc., Zoology for the purpose of employment in Public Services and directed the respondent Board to select the petitioner. Challenging the said order, the respondent-Board had preferred a writ appeal before this Court in W.A.No. 4016 of 2019 and when the writ appeal came up for hearing on 28.01.2020, the Hon'ble Division Bench had closed the writ appeal and observed as follows;

“4. The writ petition filed by the first respondent was allowed in the year 2013 itself and the writ appeal also appears to have been filed then, but it has come up after six years now. Learned Government Counsel is not in a position to inform us as to whether the first respondent/writ petitioner has been extended the benefit or otherwise she has pursued her remedy by way of Contempt Petition before this Court.

5. Since six years passed by, we do not find any such material before us to justify any such adjudication of this appeal. We close the appeal with liberty to the appellants to approach the Court in the event the issue still survives. Consequently, CMP.No.25154 of 2019 is also closed'

2. Today, the learned Special Government Pleader has filed a status report, wherein it is stated that the respondent has considered the petitioner's name for selection as per G.O.Ms.No. 104, Higher Education



(H2) Department, dated 22.06.2012, but the petitioner was found not eligible for selection in BC (G) communal turn or BC (W) turn as the cut-off mark for BC (G) and BC(W) turn is 109 marks for School Education Department, Adi Dravida Welfare and Corporation Department. Since the petitioner scored only 108 marks in BC (G), the petitioner was treated as ineligible and could not be considered for selection for appointment for the post of Graduate Assistant in Zoology.

3. The said decision was taken by the respondent-Board in the year 2013 itself i.e., immediately after disposal of the writ petition, but till date after a lapse of nine years, the respondent-Board has not chosen to communicate the said decision to the writ petitioner. The reason may be that the respondents have preferred appeal, but the said writ appeal was also closed in the year 2020. Despite the order passed in the writ appeal, even after two years, the respondent had not communicated the reason to the petitioner. Therefore, undoubtedly, when the order passed by this Court has become final, the respondent- Board is expected to strictly comply with the directions issued by this Court without any deviation, otherwise this Court will take serious view on the conduct of the respondent-Board. Hence, the respondents are directed to communicate the petitioner with regard to action



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taken by them in compliance to the orders passed by this Court in the Writ
Petition as well as in the Writ Appeal.

4. With the above directions, the contempt petition is closed.

Liberty is granted to the petitioner that, if any discrepancy is found in the stand taken by the respondent-Board in the counter affidavit, the petitioner shall file appropriate petition and seek remedy.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

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//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.

GS/25/04/2022

To

The Chairman/Director,
The Teachers' Recruitment Board,
E.V.K.Sampath Maaligai,
D.P.I Campus, College Road,
Nungambakkam, Chennai.