



Cont.P.No.1497/2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Cont.P.No.1497/2021

P.Satheesh Prabu,
No.18, Kavikala Mega Street,
Cuddalore District 607 003

.. Petitioner

Vs.

1.Ka.Balachandran, I.A.S, Rtd,
Chairman, Tamilnadu Public Service Commission,
TNPSC Road, Chennai-3.

2.Dr.P.Krishnakumar, B.E., M.B.A.,
Member, Tamilnadu Public Service Commission,
TNPSC Road, Chennai-3.

3.A.V.Balusamy, B.Sc., B.L.,
Member, Tamilnadu Public Service Commission,
TNPSC Road, Chennai-3.

4.P.Uma Maheshwari, I.A.S.,
The Secretary to Tamilnadu Public Service Commission
TNPSC Road, Chennai-3.

5.R.Sudhan, I.A.S.,
Controller of Examinations,
Tamilnadu Public Service Commission,
TNPSC Road, Chennai-3.

.. Respondents

Prayer:- Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondent for the willful and deliberate disobedience



of the orders of the judgment of this Hon'ble Court dated 05.08.2021 passed by this Hon'ble Court in W.P.No.12147/2021.

For Petitioner : Mr.N.Subramaniyan
For Respondents : Mr.Karthik Rajan,
Counsel for TNPSC

ORDER

- (1) Learned counsel appearing for the respondents have produced before this Court, the order passed by a Division Bench of this Court in W.A.No.2292/2021 on 07.09.2021 wherein the order passed by this Court earlier is set aside. Learned counsel appearing for the respondents therefore submitted that the contempt petition cannot be pursued.
- (2) However, the learned counsel appearing for the petitioner submitted that he has filed a petition for modification.
- (3) Since the petition is only for modification, this Court is of the view that this contempt petition cannot be sustained.
- (4) Learned counsel appearing for the petitioner then submitted that the order passed by this Court is in two parts, and that the order of the Division Bench does not nullify the direction to prepare merit list in the order of marks obtained in the written examination and the precise reasons for rejecting the candidature of participants, whose names are



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not found in the list.

(5) This Court is of the view that the 2nd part of the order regarding preparation of merit list flows from the 1st part of the order. The learned counsel further submitted that the petitioner has already filed a petition for clarification of order. This Court is of the view that a clarification or further direction may not revive the order which is set aside the Division Bench. It is not stated that the petitioner has filed a review application or an appeal challenging the order passed by the Division Bench. His prayer for modification appears to be by way of clarification and therefore, this Court is unable to find any reason to keep the contempt petition.

(6) Accordingly, considering the facts stated by the learned counsels on both sides this Contempt Petition is closed.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

cda

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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GS/01/06/2022