



Cont.P.No.412 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.07.2023

CORAM

**THE HON'BLE MRS. JUSTICE J.NISHA BANU
AND
THE HON'BLE MRS. JUSTICE N.MALA**

Contempt Petition No.412 of 2023

P.Mohandoss

... Petitioner

.Vs.

1.B.Karthikeyan

The Principal Secretary,
Law Department Secretariat
St.George Fort
Chennai-600 009

2.C.Chokkalingam

The Director of Legal Studies
Directorate of Legal Studies
Purasaiwakkam High Road
Kilpauk, Chennai-10.

3.G.Latha

The Chairman
Teachers Recruitment Board (TRB)
4th floor, EVK Sampath Maligai
DPI Compound, College Road
Chennai-6

... Respondents



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Prayer: Contempt Petition filed under Section 11 of Contempt of Court Act, 1971, praying to initiate contempt proceedings against the respondents and punish them for the wilful disobedience of the order of the High Court in W.P.No.17929 of 2019, dated 19.08.2021, under Contempt of Courts Act.

For Petitioner : Mr.N.G.R.Prasad
for Mr.A.C.Asaithambi.

For respondents : Mr.Neelakandan, Addl Advocate General
Asst. by Mr.P.Gurunathan, AGP.

ORDER

J.NISHA BANU, J.

The present Contempt Petition is filed praying to initiate contempt proceedings against the respondents for the wilful disobedience of the order of the High Court in W.P.No.17929 of 2019, dated 19.08.2021, under Contempt of Courts Act.

2. The petitioner filed W.P.No.17929 of 2019 challenging the Provisional Selection List of candidates in Environmental Law for the recruitment of Assistant Professor of Law 2017-2018 dated 14.05.2019

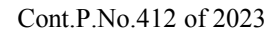


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of the 3rd respondent and to quash the same and consequently to direct the 3rd respondent to publish result of the petitioner for recruitment of Assistant Professor of Law 2017-2018.

3. This court on 19.08.2021 passed a common order in W.P.No.19534/2019 etc batch along with Rev.Appl.No.195/2019 in W.A.No.533 of 2018, directing the State Authorities to revisit the entire eligibility criteria for appointment to the post of Assistant Professor and conform to the minimum standards fixed by the BCI and expedite the process of recruitment.

4. Since the order of this court has not been complied with, petitioner filed representations. The petitioner also averred that an appeal was filed before the Hon'ble Supreme Court, as against the common order of the Division Bench of this court dated 19.08.2021. The same was dismissed on 20.09.2021 holding that there is no bar to the respondents to appoint the petitioner as Assistant Professor.



6. It is a matter of record that the petitioner earlier filed MD).No.22124 of 2017 and the Madurai Bench of Madras High



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Court, by order dated 13.03.2019, recorded that the petitioner was entitled to additional 10 marks and that his total marks comes around to 186 in the TNSET certificate.

7. One of the writ petitioners in the batch of Writ Petitions in W.P.19534/2018 dated 19.08.2021 viz., V.Lekha also filed Contempt Petition No.1674 of 2021 and a Division Bench of court, by order dated 19.04.2022, pointed out that the successful writ petitioners before this court are considered first towards expediting the process of completion of recruitment initiated vide subject notification; on filling up of the vacancies with eligible candidates who already participated in the subject selection but the result of the selection withheld for the aforementioned reasons, the remaining vacancies can be filled up as expeditiously as possible by initiating fresh recruitment process.

8. This court again, in Cont.P.No.1674 of 2021, by order dated 03.01.2023, made it clear that there are other similarly placed persons who also not be denied of the benefits of the order dated 19.04.2022.



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Thereafter, by order dated 09.01.2023, this court recorded the compliance of the direction of this court issued in the said Contempt Petition by order dated 19.04.2022.

9. On going through the above facts, it is apparent that the petitioner is also similarly placed person who acquired similar qualification and participated in the selection process as that of selected candidates and who got appointed by the 3rd respondent in pursuant to the common order dated 19.08.2021. Therefore, the benefit of order of this court dated 19.08.2021 in W.P.19534 of 2018 etc batch is to be extended to the petitioner herein.

10. Mr.R.Neelakandan, learned Additional Advocate General submitted that the necessary appointment orders is being issued to the eligible persons as per Government Order in G.O.(Ms).No.02, Law (:LS) Department dated 06.01.2023.

11. In the light of the above discussion, the 2nd and 3rd respondents-



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Director of Legal Studies and The Chairman, Teachers Recruitment

Board are directed to comply with the directions issued by this court dated 19.08.2021 and also by taking note of the order passed by the Madurai Bench of Madras High Court dated 13.03.2019 in the case of petitioner. The 2nd and 3rd respondents shall issue necessary posting orders to the petitioner and intimate the date of joining to the individual and TRB for verification of the eligibility certificates. The above said exercise shall be carried out by the respondents 2 and 3, within a period of four weeks from the date of receipt of a copy of this order.

12. The Contempt Petition is closed with the above observation.

(J.N.B, J.) (N.M., J.)
20.07.2023

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J. NISHA BANU, J.
and
N.MALA, J.

nvsri

To

1. The Principal Secretary,
Law Department Secretariat
St.George Fort
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- 2.The Director of Legal Studies
Directorate of Legal Studies
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