



Cont P No. 1198 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2023

CORAM

**THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR
AND
THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN THILAKAVADI**

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1. P. Satheesh Prabu
2. G. Sathesh Raja
3. P. Ramkumar
4. S. Eswaramoorthy
5. K. Dinesh
6. M. Periasamy
7. S. Selvakumar
8. T. Saravanabava

... Petitioners

Vs.

1. Ka. Balachandran, I.A.S. Rtd
Chairman,
Tamil Nadu Public Service Commission
TNPSC Road, Chennai-3.
2. Dr. P. Krishnakumar, B.E., M.B.A.,
Member,
Tamil Nadu Public Service Commission,
TNPSC Road, Chennai -3.
3. A. V. Balusamy, B.Sc., B.L.,
Member,
Tamil Nadu Public Service Commission,
TNPSC Road,
Chennai - 3.
4. K. Nanthakumar, I.A.S.,
Secretary to Tamil Nadu Public Service Commission,
TNPSC Road,
Chennai -3.
5. R. Sudhan, I.A.S.,
Controller of Examinations,
Tamil Nadu Public Service Commission,
TNPSC Road,
Chennai - 3.



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6. K. Senthilvel,
The Director,
Motor Vehicles Maintenance Department,
Check Post, Velachery, Chennai -42.

... Respondents

Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondent for disobeying and violating willfully and wantonly the judgment of this Court dated 18.08.2020 passed in W.A.No. 445 of 2020

For Petitioners : Mr. N. Subramaniyan

For Respondent : Mr. P. Wilson
Standing Counsel
for Mr. Karthick Rajan
Standing Counsel for TNPSC
for R1 to R5
Mr. S. Silambanan
Additional Advocate General
Assisted by L.S.M. Hasan Fazal
Additional Government Pleader
for R6

ORDER

(Order of the Court was made by *D.KRISHNAKUMAR, J.*)

The appellant has filed the instant Contempt Petition as against the order passed by the Division Bench of this Court dated 18.08.2020 in W.A.Nos. 509 of 2020 and etc. batch.

2. According to the appellants, in the writ appeal, the Division

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Bench of this Court, in paragraph No.67, had directed the Commission



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and State Government to conclude the entire proceedings as directed by the learned Single Judge in the impugned judgment and the time period allocated for the same by the learned Single Judge was directed to commence from 18.08.2020 that being the date of judgment in the Writ Appeal, and with the above directions, the writ appeal was partly allowed.

3. According to the appellants, the Tamil Nadu Public Service Commission has violated the judgment of this Court dated 18.08.2020 and based on the fabricated records, they selected candidates for the post of Motor Vehicle Inspectors Grade II. It is further stated that among the said selected candidates, a candidate namely Ilavarasan was also selected for the said post based on the fabricated records despite the said Ilavarasan was lacking experience in repairing the petrol engines. Hence, the present Contempt Petition is filed.

4. It is also an admitted fact that another writ petition has been filed in W.P. No. 12147 of 2021 alleging that the selection of the aforesaid Ilavarasan has been made by fabricating the documents. The said writ petition was also dismissed by this Court. Challenging the dismissal order passed in the said writ petition, the appeal has been preferred in Writ Appeal No. 593 of 2023 and the same is pending before this Court.



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5. Mr. P. Wilson, learned Senior Counsel appearing for the respondent drew the attention of this Court that the writ petition filed by the petitioners raising the same ground has been dismissed. He further contended that this Court has directed the respondent to select the candidates as per the rules, pursuant to which the respondent commissioner has selected the candidates only based on the rules and therefore there is no violation of rules as contended by the petitioners.

6. Considering the contention of both the parties and considering the above fact that the writ petition filed against the said Ilavarasan before this Court raising the very same grounds namely that there is violation of rules as he had been selected based on the fabricated documents, had been dismissed by writ court and the appeal preferred against the said order is pending before this Court, prima facie we are not satisfied in entertaining the Writ Appeal, since the allegation as against the respondent is now pending at the appellate stage. We make it clear that it is for the petitioners to file any contempt petition, if so warrants, when there is any violation of the rules, based on the final decision taken in the writ appeal.

7. In view of the above, the Contempt Petition is closed.

(D.K.K., J.) (K.G.T., J.)

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Index : Yes / No
Internet : Yes/ No
mrn

D.KRISHNAKUMAR, J.
and
K.GOVINDARAJAN THILAKAVADI, J.
(mrn)

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