
(2009) 11 SC CK 0008

In the Supreme Court Of India

Case No : I.A. No"s. 2-6 and 7 of 2009 in Civil Appeal No. 4187 of 2009 and I.A. No"s. 3-8 of 2009 in Civil Appeal No"s. 4188-4189 of 2009

Tamil Nadu Computer Science, B.Ed. Graduate Teachers
Welfare Society

APPELLANT

Vs

Higher Secondary School Computer Teachers Association and
Others

RESPONDENT

Date of Decision : 19-11-2009

Acts Referred:

Citation : AIR 2010 SC 791 : (2009) 14 JT 333 : (2009) 8 MLJ 411 : (2009) 14 SCALE 84 : (2009) 11 SCR 522 : (2009) 16 SCR 1033 : (2009) 6 SLR 651

Hon'ble Judges : K. G. Balakrishnan, C.J.;V. S. Sirpurkar, J;P. Sathasivam, J

Bench : Full Bench

Advocate : Gopal Subramaniam, SG, N. Chidambaran, Hema Samopath and L.N. Rao, Nupur Kanungo, for Vikas Mehta, N. Shoba, Ram J. Thalapathy, V. Adhimoolam, G. Umapathy and Vibhu Tiwari, for Rakesh K. Sharma, Sankaran and S. Thananjayan, for the Appellant;

Final Decision : Allowed

Judgement

P. Sathasivam, J.—By a common judgment dated 09.07.2009, this Court, in Civil Appeal No. 4187 of 2009 etc., allowed the appeals filed by the appellant-herein with the following observations/ directions:

a) Only those candidates who had secured more than 50% qualifying marks in the Special Recruitment Test shall be treated as qualified and recruited as Computer Instructors and they shall be so absorbed and their service shall be so regularized in accordance with law;

b) The remaining candidates who had secured less than 50% qualifying marks but above 35% marks should be declared and held to be unsuccessful and failed in the said Special Recruitment drive but they would be allowed to appear in the next Recruitment Test to be held for filling up the remaining vacant posts of Computer Instructors without insisting upon them to have B.Ed. degree as one

time exception and concession;

c) The State Government shall also hold the said test by inviting applications through issuing an advertisement and also allow candidates to take the test sponsored by the Employment Exchange. In the said test all other rules of appointment for such post and the rules of reservation would also apply. The only exception would be the candidates who had received more than 35% marks in the earlier Special Recruitment drive but less than 50% marks which was qualifying marks may not have B.Ed. degree, which would be treated as one time exception for them as they were working as Computer Instructor.

2. After disposal of the appeals on the above terms, both parties to the proceedings have now filed the present applications for clarification/directions.

3. Higher Secondary School Computer Teachers Association-first respondent in Civil Appeal No. 4187 of 2009 has filed I.A. Nos. 2 and 3 of 2009. In I.A. No. 2, they prayed for correction of the figures appearing in paras 10, 12 and 14 of the judgment dated 09.07.2009 passed by this Court in Civil Appeal No. 4187 of 2009 as "857 to read as 894 and 829 to read as 792"

4. In I.A. No. 3 of 2009, the very same applicant has prayed for clarification to the effect that in the proposed test to be held by the State Government in terms of the common judgment, all candidates who secured more than 50% marks would be entitled to be regularized in service.

5. Government of Tamil Nadu has also filed I.A. Nos. 4 to 6 of 2009 in Civil Appeal No. 4187 of 2009. In I.A. No. 4 of 2009, the State Government has sought the following clarification:

(a) Clarify and permit the State Government to conduct examination to the candidates who have secured 35% to 49% marks in the examination and declare the results of the candidates who secured more than 50% marks as eligible candidates for appointment.

(b) Clarify and permit the State Government to recruit Vocational Computer Instructors for the existing vacancies 175 and future vacancies for the post of Computer Instructors through the Employment Exchange based on the seniority with the Employment Exchange as per the policy decision and also as per the G.O.Ms. 290, School Education Department, dated 06.12.2007 and G.O.Ms. No. 66, School Education Department, dated 02.03.2009;

(c) Direct the correction of the figures appearing in paras 10, 12 & 14 of the Judgment dated 09.07.2009 passed by this Hon"ble Court in C.A. No. 4187 of 2009 as "857 to read as 894 and 829 to read as 792.

6. In I.A. No. 5 of 2009, the State Government has prayed for taking on record three documents, namely, (i) Policy Note 2007-2008 issued by the State Government (ii) G.O.Ms. No. 290 dated 06.12.2007 and (iii) G.O.Ms. No. 66 dated 02.03.2009.

7. In I.A. No. 6 of 2009, they prayed for exemption from filing official translation of those documents.

8. Tamil Nadu Computer Science B.Ed. Graduate Teachers Welfare Society-appellant in Civil Appeal No. 4187 of 2009 also filed I.A. No. 7 of 2009 praying for the following directions:

a) direct that the services of the 792 candidates who have failed in the special recruitment drive exam but are continuing to work as computer instructors in various Government schools should be terminated forthwith.

b) direct that the advertisement calling for applications from eligible candidates with B.Ed. degree for filling up vacancies arising consequent upon the termination of the services of 792 Computer Instructors, should be issued within 15 days, and the exam should be conducted within 15 days thereafter, and

c) direct that the vacancies should be filled up following employment exchange seniority and rules of reservation from among the passed candidates who secure pass marks of 50% in the special exam to be conducted by the Teacher Recruitment Board, State of Tamil Nadu.

9. The appellants also filed I.A. Nos. 3-8 of 2009 in Civil Appeal No. 4188-4189 of 2009 praying for the same clarification.

10. Heard learned senior counsel appearing for the respective parties.

11. On going through the judgment dated 09.07.2009, various applications for clarification/direction sought for by the parties concerned and after hearing their respective arguments, we are not inclined to alter or review the earlier decision. However, in the light of the doubts raised and in view of certain clarifications sought for by the parties including the State of Tamil Nadu represented by Mr. Gopal Subramaniam, learned Solicitor General of India, and typographical errors crept in certain paras, we clarify the judgment in the following terms:

(a) permit the State Government to

(i) conduct examination to the candidates who have secured 35% to 49% marks in the examination and declare the results of the candidates who secured more than 50% marks as eligible candidates for appointment.

(ii) recruit Vocational Computer Instructors for the existing 175 vacancies and future vacancies for the post of Computer Instructors through the Employment Exchange based on the seniority with the Employment Exchange as per the policy decision of the State Government as well as Government Orders applicable to appointment to the post of Computer Instructors;

(b) the figures appearing in paras 10, 12 and 14 of the judgment dated 09.07.2009 in Civil Appeal No. 4187 of 2009 etc. may be read as 894 instead of 857 and 792 instead of 829;

12. Except the above clarification, the judgment dated 09.07.2009 remains

undisturbed in all other respects. All the applications are disposed of accordingly.