



Cont.P(MD)No.888 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.02.2023

CORAM

**THE HON'BLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR.JUSTICE K.K.RAMAKRISHNAN**

**Cont.P(MD)No.888 of 2020
in
W.A(MD)No.1140 of 2018**

S.Maria Stella

.. Petitioner/1st Respondent

Vs.

1.Mr.Sethurama Varma,
Director of Elementary School Education,
DPI Compound, Chennai.

2.Mr.Sudalai,
District Elementary Educational Officer,
now designated as District Educational Officer,
Cheranmahadevi,
Tirunelveli.

3.Mr.Shanmuga Sundara Pandian,
Assistant Elementary Educational Officer,
now designated as Block Educational Officer,
Alangulam Educational District,
Tirunelveli.

.. Contemnors/Appellants



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PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to initiate contempt proceedings against the contemnors herein for their wilful disobedience to the order passed by this Court in W.A(MD)No.1140 of 2018 dated 05.07.2019 and punish them.

For Petitioner : Mr. S.Chellapandian

For Respondents : Mr.J.Ashok
Additional Government Pleader

ORDER

DR.G.JAYACHANDRAN, J.
and
K.K.RAMAKRISHNAN, J.

The T.D.T.A management which is running more than 100 Education Institutions was found to have been employed excessive teaching staff and therefore since 2013-14 Academic year, the institute been informed about the excess teaching staff in each of the School and was requested to deploy them where there is need. In the said course Maria Stella the contempt petitioner herein who was appointed as a Second Grade Teacher on 05.12.2014 in the T.D.T.A Middle School, Parankudarapuram, Tirunelveli District, was not approved since the said School had surplus teacher.



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2. A writ petition was filed by the Maria Stella seeking to approve her appointment as Second Grade Teacher from the date of her appointment ie. 05.12.2014. Her writ petition was disposed of with a direction to consider the proposal on merits within a period of four weeks from the date of receipt of the order copy. It appears that the said order dated 23.11.2016 was challenged by the Department in W.A.(MD)No.1140 of 2018. The Division Bench of this Court on 05.07.2019, taking note of the submission made by the management that they have already deployed all the surplus teachers to various other schools running under their management, directed the educational authorities to comply the order passed by the learned Single Judge within a period of four weeks and the writ appeal was disposed of. Alleging that the said order not been complied and disobeyed by the Education Department, Cont.P(MD)No.888 of 2020 filed and it is now taken up for consideration.

3. The learned Additional Government Pleader appearing for the contemnors would submit that the T.D.T.A management which has appointed the contempt petitioner has employed surplus staffs in their



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institution and since 2013-14 every academic year, Government had identified the surplus staff and issued direction to deploy them. Till date they have not deployed the entire surplus teachers. Making false representation before the Division Bench that they have deployed all the surplus teachers, the writ appeal filed by the State came to be disposed of with a direction to consider the approval of the appointment. Thereafter, taking note of the fact of various judgements of this Court arising out of surplus staffs in the T.D.T.A management including the dismissal of the Special Leave Petition, order has been passed by the District Elementary Education Officer vide proceedings dated 18.02.2023 rejecting the request of the petitioner to approve her appointment. The proceedings has already been served to the contempt petitioner.

4. The proceedings dated 18.02.2023 indicates that there is still surplus teacher in T.D.T.A management. But in the representation made on behalf of the T.D.T.A management, it is stated that they have deployed entire surplus teachers in their institution. The learned Additional Government Pleader submits that it is a false statement and the statistics for the year



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2013-14 till 2021 will show that the management has not deployed all the identified surplus staff. In the proceedings dated 18.02.2023 the detail of surplus teachers of each year is furnished as below:

Sl.No.	Year	No. of Surplus Teachers	Salary of the surplus teachers per year Rs.
1	2013-14	25	9777917
2	2014-15	40	18414136
3	2015-16	38	16085883
4	2016-17	36	14770506
5	2017-18	48	27085947
6	2018-19	25	14390694
7	2019-20	17	10905576
8	2020-21	15	9625059

5. The student teacher ratio during the academic year 2014-15 is also furnished as under:

வகுப்பு	1	2	3	4	5	மொத்தம்	6	7	8	மொத்தம்	பெரு மொத்தம்
மாணவர்கள் எண்ணிக்கை	18	16	20	18	19	91	23	31	38	82	183



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பணியாளர் நிர்ணயம்	நடுநிலைப்ப ள்ளி த.ஆ	பட்டதாரி ஆசிரியர்		இ.நி.ஆ		கைத்தொழில் ஆசிரியர்	மொத்தம்
		தமிழ்	கணக்கு	6-8	1-5		
2013-14 ஆம் ஆண்டில் அனுமதிக்கப் பட்ட பணியிடங்கள்	1			2	4	1	08
2014-15 ஆம் ஆண்டில் அனுமதிக்கப் பட்ட பணியிடங்கள்	1			2	4	0	7
ஆசிரியருடன் உபரி					1		1

6. Taking note of these facts, the request to approve the appointment of the contempt petitioner been rejected. Except delay in passing the above said rejection order dated 18.02.2023, this Court finds no other disobedience to comply the order of this Court. If the contempt petitioner is aggrieved by the rejection order, it is always open to her to challenge it before the appropriate forum to work out her remedy in the manner known to law.



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7. Taking note of the submission made by the management this contempt petition is closed.

[G.J.,J.] & [K.K.R.K.,J.]
20.02.2023

Internet: Yes
Index: Yes/No
NCC: Yes/No
P JL

To
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