

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2015

CORAM:

THE HON'BLE MR.JUSTICE R.S.RAMANATHAN

Contempt Petition No.184 of 2015

V.Nirmala

... Petitioner

Vs.

1.Thiru Elangovan

Director of Elementary Education,
DPI Campus,
College Road,
Chennai - 600 006.

2.Thiru Thirunavukkarasu (I/c),

District Elementary Educational
Officer,
Trichirappalli.

3.Tmt.Regina Mary

Additional Assistant Elementary
Educational Officer,
Thuraiyur,
Trichy District.

... Respondents

Prayer :

Contempt petition filed under Section 11 of Contempt of Courts Act, praying to punish the respondents herein for the deliberate disobedience of the orders of this Hon'ble Court dated 19.08.2014 in W.P.No.22193 of 2014.

For Petitioner : Ms.Dakshayani Reddy

For Respondents: Ms.P.Rajalakshmi

Government Advocate

ORDER

This contempt petition is filed to punish the respondents for having disobeying the order passed in W.P.No.22193 of 2014 dated 19.08.2014.

2.It is submitted by the learned counsel for the petitioner that the writ petition was filed praying for Writ of Mandamus directing the respondents to consider Diploma in Teacher Education as equivalent to +2 for promotion to the post of Middle School Headmaster and consequently direct the respondents to include the name of the petitioner in the panel for promotion when the petitioner's immediate junior was promoted and consequently promote the petitioner on the date when the petitioner's immediate junior was promoted with all consequential service and monetary benefits. This Court by order dated 19.08.2014 allowed the writ petition and as per the order of this Court, the respondent has to include the name of the petitioner in the panel for promotion when the petitioner's immediate junior was promoted and consequently promote the petitioner on the date when the petitioner's immediate junior was promoted with all consequential service and monetary benefits and without complying with

the order a proceeding was issued on 06.03.2015 by the second respondent stating that the name of the petitioner has been included in the panel dated 01.01.2014 and no vacancy has arisen for appointing the petitioner as Head Master and therefore, the order cannot be complied with.

3.The learned counsel for the petitioner therefore submitted that the respondent has committed contempt as they have not complied with the order.

4.The learned Government Advocate produced copy of the proceedings in Na.Ka.No.5081/A3/2014 dated 06.03.2015 and submitted that the name of the petitioner has been included in the priority panel dated 01.01.2014 and as no vacancy has arisen for the post of Head Master in the Middle School, Thuraiyur Union, appointment cannot be given.

5.Though by order dated 19.08.2014, writ petition was allowed, it has been specifically ordered in the writ petition that second respondent was directed to consider the case of the petitioner for promotion to the post of Middle School Headmaster by including her name, if she is otherwise qualified. Therefore, the direction given in the writ petition was to consider the case of the petitioner

for promotion to the post of Middle School Headmaster, by including her name it is seen from the proceeding dated 06.03.2015 referred to above, the petitioner's name was included in the preference list prepared on 01.01.2014 and the petitioner could not be given the post of Headmaster as there was no vacancy.

6.Hence, in my opinion, the order has been complied with and no contempt has been committed. Hence, this contempt petition is closed.

pri

SD/
DEPUTY REGISTRAR(OS)

//Certified to be true copy//

Dated at Madras this the day of 2015.

COURT OFFICER(O.S.)

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SS/CO/09/04/2015

One CC to Government Pleader, SR.3666

One CC to M/s.Dakshayani Reddy, Advocate, SR.3724

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