

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

and

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

LETTERS PATENT APPEAL No.6 of 2014

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JUDGMENT: (per RR, J)

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the learned Single Judge in C.C.No.1785 of 2013, dated 20.11.2014.

The appellant herein is the seventh respondent in the Contempt Case. The first respondent in this appeal filed C.C.No.1785 of 2013 alleging willful disobedience of the orders passed in Writ Petition No.6013 of 2012 dated 26.04.2013, whereby the respondents were directed to fill up the post of Headmistress in a regular vacancy within four months from the date of receipt of a copy of the order. The learned Single Judge made it clear that seniority should be given preference as per the rules and instructions issued by the Government from time to time. The writ petition was, accordingly, disposed of. The order in W.P.No.6013 of 2012, dated 26.04.2013 attained finality. Alleging violation of the said order, the first respondent herein filed C.C.No.1785 of 2013 wherein this Court passed the following order:

“The Government Pleader for School Education has furnished a copy of the proceedings of the District Educational Officer, Chittoor in R.C.No.7412/D4-D3/2010, dated 18.11.2014, wherein the District Educational Officer has passed orders as follows:

“In view of the above position, the undersigned is constrained to seize and exercise the powers of the management of Sharman Memorial Girls High School, Chittoor represented by its Manager/Correspondent and hereby appoints Smt. A.Hanna Rajini as Headmistress incharge of Sharman Memorial Girls High School, Chittoor with immediate effect. Smt. A.Hanna Rajini is directed to assume charge as Headmistress of the School and report compliance immediately.

It is hereby made clear that any grant-in-aid bill of the institution will be honoured only if it is preferred by Smt. A.Hanna Rajini who is now appointed and designated as Headmistress.”

In view of the same, it is clear that the officials have implemented the orders of the Court. Therefore, the appearance of the respondents 1 to 5 is dispensed with.

Further, in view of the above referred proceedings, the petitioner shall join as Headmistress within a period of one week from today and the respondents shall not object to the same.

List the matter on 27.11.2014.”

The order of the learned Single Judge cannot be faulted to the extent he extracted the order passed by the District Educational Officer on 18.11.2014, and held that the officials had implemented the order of this Court and, therefore, the appearance of respondents 1 to 5 should be dispensed with.

The entire grievance of the appellant relates to the last paragraph of the order whereby the petitioner was directed to join as Headmistress within one week from the date of the order, and the respondents were directed not

to object to the same. The jurisdiction which this Court exercises, under the Contempt of Courts Act, is limited to an enquiry whether there is willful and deliberate violation of the orders passed by the Court and, if so, the punishment to be imposed. While exercising jurisdiction under the Contempt of Courts Act, this Court would not issue any directions, other than to take action to punish the contemnors for having committed contempt of court. In cases where the learned Single Judge passes any order in the Contempt Case on merits, the person aggrieved thereby is entitled to invoke the jurisdiction of the Division bench under Clause 15 of the Letters Patent. In **MIDNAPORE PEOPLES' COOPERATIVE BANK LIMITED v. CHUNILAL NANDA**^[1], the Supreme Court held that when the High Court, for whatever reason, decides an issue on merits, or issues any direction relating to the merits of the matter, in a contempt proceedings, such an order is open to challenge in an intra-court appeal.

As the learned Single Judge has, in directing the petitioner to join as Headmistress within a period of one week from the date of the order and in holding that the respondents should not object thereto, issued a direction on merits, apart from and beyond the order passed in the writ petition, the order under appeal is set aside to this limited extent.

The LPA is, accordingly, disposed of. Needless to state that, consequent on the LPA itself being disposed of,

the Interlocutory Order passed in the appeal would no longer remain in force. Miscellaneous Petitions, if any, pending shall also stand closed. No costs.

RAMESH RANGANATHAN, J

2nd JULY, 2015.

S. RAVI KUMAR, J

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[\[1\]](#) 2006(5) SCC 399