

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.08.2016

Coram

The Hon'ble Mr. Justice T.S.Sivagnanam

Contempt Petition No.1918 of 2016 and
Sub Application No.362 of 2016

St. Joseph Teacher Training Institute
run by Mother Teresa Socio-Economic
and Educational Trust,
7 Yadava Street Poovam Karaikal
rep. by Correspondent,
Indira Antony Mary.Petitioner

Vs.

1. Mr.L.Kumar
The Director of School Education,
Government of Puducherry,
Directorate of School Education,
Elementary Education,
Puducherry.
2. Mr.Moorthy,
The Principal
District Institute of Education and Training (DIET)
Puducherry.
3. Dr.V.C.Rameswara Murugan
The Director,
Directorate of Teachers Education
Research and Training
College Road,
Chennai - 600 006.Respondents

Contempt Petition, filed under Section 11 of the
Contempt of Courts Act, to punish the respondents for
wilful disobedience of the order passed by this Court in
W.P.No.10123 of 2010, dated 19.03.2015.

For Petitioner	: M/s.S.Harinyi
For Respondents-1 & 2	: M/s.Reena Ishwariya Additional Government Pleader (Puducherry).
For Respondent-3	: Mr.S.Rajeswaran Special Government Pleader

O R D E R

This Contempt Petition has been filed, alleging wilful disobedience of the order and direction issued by this Court, in W.P.No.10123 of 2010, dated 19.03.2015.

2. The said Writ Petition was filed by the petitioner, praying for issuance of a writ of mandamus, to direct the respondents 1 and 2 to approve the admission of 52 students made to D.T.Ed Course, for the academic year 2009-11, and consequently, to permit the students to get their Diploma Certificate on their successful completion of the course. The Writ Petition was allowed on the following terms:-

"4. In the result, the writ petition is allowed on the following terms:-

(1) In terms of the stand taken by the respondents in the counter affidavit, 43 candidates are held to be eligible for admission to the D.T.Ed. Course;

(2) Candidates bearing **Sl.Nos.11, 12 & 13 (Neelavathi, E, Pooniporkodi, G and Subha.S)** who were held to be not eligible on account of the fact that they were non residents, but admitted

in resident seat are held to be eligible candidates in the light of the decisions of this Court in **W.P.No.15003 of 2008, 6550 of 2010 and 8213 of 2011 dated 27.07.2012;**

(3) In respect of candidates bearing **S1.Nos.23,13,14,15 and 14 (Vimalathithan, Balasundaram R, Gopu G, Veeravalli K and Anjalidevi S)** who were held to be not eligible because they have secured less than 45% marks, by applying the decision of the Hon'ble Division Bench in W.A.No.737 of 2010 etc. batch dated 01.11.2011, they are held to be eligible candidates and

(4) In respect of candidate bearing **S1.No.3 (Sridevi A)**, who had crossed the upper age limit, liberty is granted to the said candidate to file a representation before the respondents 1 and 2 for relaxation of the age, considering the peculiar facts and circumstances of the case

and if such an application is filed, respondents 1 and 2 are directed to consider the same and pass orders in accordance with law, within a period of six weeks from the date of receipt of such application.

No costs. Connected miscellaneous petitions are closed."

3. At the time, when the Writ Petition was heard, it appears that the petitioner did not bring to the notice of this Court that consequential direction would be required to be issued to the third respondent, who is the Authority in the State of Tamil Nadu. Infact, the prayer sought for in the Writ Petition did not seek for specific direction to the third respondent to issue Diploma Certificate. Therefore, the third respondent cannot be stated to have committed any contempt. Sofar as the role of first and second respondents is concerned, the learned Additional Government Pleader (Puducherry) submits that, they have already approved the admission and forwarded the proposals to the third respondent, and the matter is now pending with the third respondent. This fact appears to be not in dispute, since in para No.7 of the affidavit, filed in support of this Contempt Petition, the petitioner-Institution have stated that they are informed that <https://hcservices.ecourts.gov.in/services> are pending with the third respondent.

4. In the light of the fact that the Writ Petition was disposed of, without hearing the learned Special Government Pleader for the State of Tamil Nadu, and no direction was issued to the third respondent, this Court is inclined to issue appropriate direction in this Contempt Petition. Accordingly, the third respondent is directed to take note of the proposals given by first and second respondents, and issue Diploma Certificates to the students, whoever successfully completed the course in the petitioner-Institution, within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above direction, this Contempt Petition is disposed of. Consequently, connected Sub Application is closed. No costs.

Sd/-

JOINT REGISTRAR(OS)

sd

//Certified to be true copy//

Dated at Madras this the day of 2016.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

SMI/CO/02/09/2016

TO

1.The Director,
Directorate of Teachers Education
Research and Training
College Road, Chennai - 600 006.

One CC to the Government Pleader, Puducherry,

Sr.No.10986/2016.

One CC to M/s.Giridhar & Sai, Advocate, Sr.No.10864/2016.