



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2016

CORAM

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**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA**

CONT. P(MD)No.511 of 2016  
in M.P.(MD) No.1 of 2015  
in W.P.(MD)No.15804 of 2015

T.Susila

... Petitioner/Petitioner/  
Petitioner

Vs.

Mr.Nagarajan

District Elementary Educational Officer,

Tuticorin, Tuticorin District. ... Contemnor/3<sup>rd</sup> Respondent/  
3<sup>rd</sup> Respondent

Prayer: Petition filed under Section 11 of Contempt of Courts Act, 1971 praying to issue notice of contempt to the respondent herein and punish the respondent for wilful disobedience of the order of this Hon'ble Court in M.P.(MD) No. 1 of 2015 in W.P.(MD) No.15804 of 2015.

Prayer in MP(MD). 1/ 2015 in WP(MD).15804/2015 :

The Petition praying that in the Circumstances stated therein and in the affidavit filed therewith the High Court will be Pleased to issue suitable Ad INTERIM ORDERS directing the 3rd respondent District Elementary Educational Officer to temporarily approve the appointment of petitioner as Secondary Grade Teacher in the 5th respondent school w.e.f. the date of petitioner's appointment on 15.06.2012 with all attendant benefits within a reasonable time as may be specified by this Hon'ble Court, Pending disposal of the Writ Petition.

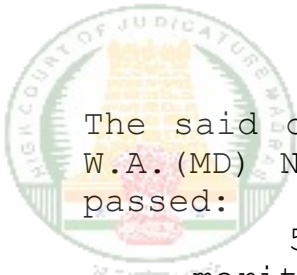
For Petitioner ... Mr.A.Ajith Geethan

For Respondent ... Mr.M.Murugan  
Government Advocate

O R D E R

This Contempt Petition was directed against the interim order granted by this Court in M.P.(MD) No. 1 of 2015 in W.P.(MD) No.15804 of 2015 on 08.12.2015.

2. Originally, the learned single Judge of this Court on 08.12.2015 directed the respondents 1 to 4 to give temporary approval to the petitioner to the post of B.T. Assistant in the first respondent school pending disposal of the writ petition.



The said order was challenged by the Government of Tamil Nadu in W.A. (MD) No.220 of 2016, in which the following order came to be passed:

5. In view of the above, without going into the merits of the case as to whether a teacher appointed in a minority school is required to have TET qualification, as the same is the subject matter of the writ petition, we are of the considered view that interest of justice would sub-serve, if the appointment of the first respondent is protected, without giving any direction to the State Government to grant temporary approval.

7. Accordingly, we direct that the first respondent shall be given her salary in the course of her employment and no steps to remove her from services shall be taken till the disposal of the writ petition. However, it is made clear that this order is subject to the final outcome of the pending writ petition. It is further made clear that the first respondent shall not claim any equity on account of this order, without prejudice to the rights and contentions of the parties therein.

3. As the order passed by the learned single Judge is merged with the order of the Hon'ble Division Bench, disobedience contemplated only against the order passed by the Hon'ble Division Bench. However, the petitioner has now brought this contempt petition for disobedience of the order passed by the Hon'ble Division Bench, which is not maintainable. In view of the same, this Contempt Petition is closed.

Sd/-  
Assistant Registrar

/True Copy/

Sub Assistant Registrar

CM  
To  
Mr.Nagarajan  
District Elementary Educational Officer,  
Tuticorin, Tuticorin District.

+1CC to Mr.A.Ajith Geethan Advocate Sr.No.19321  
+1CC to Spl.Government Pleader Sr.No.19289

GJM/AN/MP/28.4.16-2p-4C