

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

Cont.P.No.1050/2017

N.Vennila

Petitioner

Vs.

Tmt.S.Asha Christy Emerald,
The District Elementary Educational Officer,
Nagapattinam,
Nagapattinam District

..Respondent/3rd respondent

Contempt Petition filed under section 11 of the
Contempt of Courts Act, 1971, to punish the respondents for
their willful disobedience for the non-compliance of the
order of this Court in WP No.42997 of 2016 dated 09.12.2016.

For Petitioner : Mr. V.Kasinatha Bharathi
For Respondents : Mr. K.Dhananjayan,
Special Government Pleader

WEB ORDER COPY

The facts leading to the filing of this contempt
petition have been briefly narrated in detail and in
extenso, by this Court, vide order dated 09.12.2016 passed
in WP No.42997 of 2016 which is the subject matter of the
contempt.

2. The learned counsel appearing for the petitioner would submit that the order seeking for approval of appointment of the petitioner came to be rejected only on the ground that prior permission is required as per Rule 15(4) (iii) of the Tamil Nadu Private School Regulation Rules. The learned counsel for the petitioner would submit that once the post is sanctioned, for filling up the said post, prior permission is not at all required and the only aspect which is to be considered is whether the petitioner is qualified in all respects to hold the post of Secondary Grade Teacher and prays for appropriate orders.

3. Per contra, Mr.K.Dhananjayan, learned Special Government Pleader appearing for the respondent / contemnor has invited the attention of this Court to the proceedings of the respondent dated 14.03.2017 as well as to the counter affidavit and would submit that in the light of the above said provision, without seeking prior permission the post cannot be filled up.

4. The fact remains that a proposal has emanated from the 5th respondent School in the writ petition and it is also to be pointed out at this juncture that the petitioner was appointed as a Secondary Grade Teacher on 28.04.2015 and it is also a specific case that she was

undergoing a selection process, the 5th respondent has sent a communication dated 30.04.2015 to the concerned authority through proper channel, for seeking approval of the petitioner's appointment on the ground, that one Tmt.Kalyani, is retired due to superannuation on 13.05.2010 and another Secondary Grade Teacher Mrs.A.S.Gandhi, died due to illness. The 4th respondent in the writ petition made a positive recommendation for filling up of the post on compassionate ground vide communication dated 15.12.2015 addressed to the District Elementary Educational Officer, Nagapattinam.

5. In the light of the facts and circumstances of the present case, this Court has directed the respondent / contemnor to reconsider the proposal sent by Mahatma Gandhi Aided Middle School, Ayakkaranpulam II, Vedaranyam Taluk, Nagapattinam District to approve the appointment of the petitioner subject to the fulfillment of the necessary criteria and qualification and such an exercise should be carried out within a period of six weeks from the date of receipt of copy of this order and communicate the decision taken to the petitioner as well as to the 5th respondent.

6. With the above observations, the contempt petition is closed.

SD/-
ASSISTANT REGISTRAR (OS-I)

RKA

//Certified to be true copy//

Dated at Madras this the day of 2017.

COURT OFFICER (O.S.)

from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.

KR/CO/28/11/2017

To
Tmt.S.Asha Christy Emerald,
The District Elementary Educational Officer,
Nagapattinam,
Nagapattinam District

TWO cc to the Govt.Pleader, High Court, SR.Nos.13381, 13528

one cc to Mr. V.Kasinatha Bharathi, Advocate, Sr.NO.13249/17

WEB COPY