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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2017

CORAM :

THE HON'BLE MR. JUSTICE N.KIRUBAKARAN

Contempt Petition No.1231 of 2017

Dr.C.P.Saraswathy

...Petitioner

Vs.

1.Smt.S.Sellathai

Head of the Department
Chemistry Department
Government Arts College
Coimbatore-641 018.

2.The Secretary

Higher Education Department
Government of Tamil Nadu
Fort St. George
Chennai.

3.Director of Collegiate Education

Directorate of Collegiate Education
DPI Compound, College Road
Chennai.

[*Suo motu impleaded as 2nd and
3rd respondents in Cont. Pt.1231/2017
dated 27.11.2017 by NKKJ.*]

...Respondents

Prayer : Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondents willfully disobeying the orders of this Hon'ble Court dated 17.09.2013 in M.P.No.2/2013 in W.P.No.25857 of 2013.

For Petitioner : Mr.Srinivasamuthy

For Respondents : Mr.M.Gnanasekar [For R1]

<https://hcservices.ecourts.gov.in/hcservices/>

Mr.T.M.Pappiah [For R2 & R3]
Special Government Pleader

**O R D E R**

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The petitioner has challenged the appointment of 5th respondent in WP.No.25857 of 2013 as Controller of Examination in the 2nd respondent college in the said writ petition.

2.The petitioner is a Ph.D. degree holder in Environmental Science and from the year 1990 to 1996, she worked as a Lecturer in Bio-Chemistry Department in the Bharathi Women's College at Chennai. While so, by G.O.Ms.No.470, dated 30.07.1996, the petitioner was transferred and posted as a Lecturer in the Chemistry department in the Government College, Tirupur. During that period only the petitioner obtained Ph.D. degree in Environmental Science.

3.From the year 1996 onwards, the petitioner has been working in the Chemistry Department. The petitioner is a senior to the 5th respondent in the seniority list. The petitioner's name has been shown in serial no.3, whereas, the 5th respondent's name is shown in serial no.215.

4.From the year 2005 onwards, though the petitioner was working as an Associate Professor in the Chemistry Department, her name has been mentioned under the Bio-Chemistry, when no such department existed in the said college.



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5.The petitioner applied for the post of Controller of Examination in the 2nd respondent college, which is an autonomous college. Though she is entitled to the said post, the 5th respondent in the writ petition who was much junior to the petitioner was given the said post. The said order has been challenged in Writ Petition No.25857 of 2013.

6.While admitting the writ petition, this Court vide order dated 17.09.2013 granted an order of interim direction and allowed the petitioner to continue in the Chemistry department and teach Chemistry subjects. However, the petitioner was not allotted classes for teaching Chemistry, which compelled the petitioner to file the above contempt petition no.1231 of 2017 for violation of the order dated 17.09.2013. Notice was ordered and the respondents was also present. Though allegations and counter allegations have been made, it is submitted by Mr.Srinivasa Murthy, learned counsel for the contempt petitioner that the petitioner is to attain superannuation on 31.12.2017 and she has not been promoted as Principal, even though she stands 1st in the State Seniority List, which contains about 314 names. Since this petitioner was senior most among all the eligible candidates and she has to attain superannuation on 31.12.2017 and there are as many as 40 posts of principal lying vacant, this Court



directed the respondent/Government to take speedy action to draft a panel and fill up the vacant post of Principal Grade II in Government Arts and Science Colleges.

7. When the matter is called today viz., 15.12.2017, Mr. T. M. Pappiah, learned Special Government Pleader produced G.O. (1D) No. 358 Higher Education (F1) Department, dated 07.12.2017, promoting 30 Associate Professors as Principals of Government Arts and Science Colleges and the petitioner is proposed to be posted as a Principal of Government Arts and Science College, Mettupalayam.

8. Though the contempt petition has been filed in violation of the order passed by this Court, by virtue of the Government order dated 07.12.2017 not only the petitioner is able to reach the post of Principal before her superannuation which is due on 31.12.2017, but she is also able to help 29 others to get the post of Principal. Since the petitioner has been promoted and she has to necessarily go out of the college on attaining the age of superannuation, the entire issue has come to an end.



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9. By recording the above fact, the contempt petition is closed. No costs.

SD/-

ASSISTANT REGISTRAR (COMM. CASES)

MAYA

//Certified to be true copy//

Dated at Madras this the day of 2018.

COURT OFFICER (O.S.)

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

To

1. Smt. S. Sellathai
Head of the Department
Chemistry Department
Government Arts College
Coimbatore-641 018.
2. The Secretary
Higher Education Department
Government of Tamil Nadu
Fort St. George, Chennai.
3. Director of Collegiate Education
Directorate of Collegiate Education
DPI Compound, College Road
Chennai.

One cc to Mr. M. Gnanasekar, Advocate, Sr.No.15517/2017

One cc to the Government Pleader, Sr.No.15342