

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 24.01.2017

CORAM

THE HONOURABLE MR. JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

CONT. PETITION NO. 2635 OF 2016

Dr. S.Manimozhi ... Petitioner

- Vs -

1. Thiru A.Karthik (Full Addl. Charge)
Secretary to Government
Higher Education Dept.
Fort St. George, Chennai 600 009.
2. Mrs. S.Mathumathi, I.A.S.
Director of Collegiate Education
College Road, Chennai 600 006. ... Respondents

Contempt Petition filed under Section 11 of the
Contempt of Courts Act to punish the respondent for wilful
disobedience of the order passed by this Court in W.P.
No.654 of 2016 dated 08.06.2016.

For Petitioner : Mr. V.Subramanian

For Respondents: Mr. K.Venkataramani, AAG
assisted by Mr. R.Pratap Kumar,
AGP

ORDER

This petition has been filed by the petitioner
alleging disobedience of the order passed by this Court in
W.P. No.654 of 2016 dated 8.6.2016 and to punish the
respondent for wilful contempt.

2. Heard the learned counsel appearing for the petitioner and the learned Addl. Advocate General appearing for the respondents.

3. This Court, vide order dated 8.6.2016 had directed the respondents to consider the claim of the appellant for the post of Director of Collegiate Education and take a decision within two months. Learned Addl. Advocate General submitted that pursuant to the above direction issued by this Court, orders have been passed, after considering the name of the petitioner as well and the post has been filled up with one other person, who was equally qualified as the petitioner, the case of the petitioner was rejected as she did not fulfill the qualifying criteria of having more than a year of service on the date of consideration.

4. It is the stand of the petitioner that pending the writ petition she had more than one year of service, but her case was wantonly not considered and, therefore, the said period has also to be taken into consideration for the purpose of reckoning the one year service.

5. Though such a contention is advanced on behalf of the petitioner, the order passed by this Court reveals that direction was issued to the respondents only to consider the claim of the petitioner for the post of Director of

Collegiate Education and no order has been issued to reckon the services of the petitioner pending the writ petition, or even the writ appeal. That being the case, the respondents, after considering the claim of the petitioner vis-a-vis the persons equally situated as that of the petitioner, having found another person equally qualified and fulfilling all the requisite criteria as envisaged under G.O. Ms. No.440 P&AR Dept., dated 26.10.1998, the action of the respondents cannot be said to be contemptuous or mala fide.

6. Since the order passed by this Court has been duly complied with and there appears to be no mala fides in the action of the respondents, no further order needs to be passed in this petition. Accordingly, this contempt petition is closed.

Sd/-

सत्यमेव जयते

JOINT REGISTRAR (OS)

//Certified to be true copy//

Dated at Madras this the day of 2017.

COURT OFFICER(O.S.)

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CO/06/03/2017