

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2018

CORAM :

THE HONOURABLE MR. JUSTICE R. SUBBIAH
and
THE HONOURABLE MR. JUSTICE P.D. AUDIKESAVALU

Contempt Appeal No. 9 of 2017

M. Rithika

.. Appellant

Versus

1. Dr. R. Narayanababu
Director of Medical Education
Directorate of Medical Education
162, E.V.R. Periyar Salai, Kilpauk
Chennai - 600 010

2. Dr. G. Selvarajan
Secretary, Selection Committee
Directorate of Medical Education
162, E.V.R. Periyar Salai, Kilpauk
Chennai - 600 010

.. Respondents

Appeal filed under Section 19 (1) of The Contempt of Courts Act against the order dated 19.09.2017 passed in Contempt Petition No. 3108 of 2016 on the file of this Court.

Contempt Petition filed under Section 11 of the Contempt of Court Act, to punish the respondents for their willful disobedience of the order of this Court made in WP.No.34523/2016 dated 07/10/2016.

For Appellant : Mr. V. Muthuvelan

For Respondent : Mr.S.N.Parthasarathy - GA

JUDGMENT

(Judgment of the Court was delivered by R. Subbiah, J)

The petitioner has come forward with this appeal questioning the correctness and validity of the order dated 19.09.2017 passed by this Court in Contempt Petition No. 3108 of 2016.

2. The petitioner's father has filed WP No. 34523 of 2016 before this Court praying to issue a Mandamus directing the respondents to consider his representation dated 26.09.2016 and consequently direct the respondents to consider the NEET exam

qualified candidates for the State counselling for the surrendered seats of 15% All India Quota for MBBS course for the academic session 2016-2017. A similar prayer was made by two other petitioners by filing WP Nos. 33945 and 34004 of 2016. By order dated 07.10.2016, this Court noticed that there was one seat lying vacant, however, three persons are aspiring to get the seat. Therefore, this Court, as an interim arrangement, issued a direction to the selection committee to fill up the one vacant seat from among the three students, who are the petitioners therein, based on their rank in the NEET Ranking list and by taking into consideration the communal reservation as per the order passed by the Honourable Supreme Court and the writ petitions were directed to be posted on 24.10.2016.

3. Complaining that the order dated 07.06.2016 in WP No. 34523 of 2016 has not been complied with by the respondents inasmuch as they did not follow the communal reservation which led to the admission of the petitioner in WP No. 34004 of 2016, the petitioner's father has filed Contempt Petition No. 3108 of 2016. By order dated 19.09.2017, this Court dismissed the Contempt Petition by observing that the interim order dated 24.10.2016 passed in WP Nos. 33945, 34004 and 34523 of 2016 was subjected to challenge in W.A. No. 27 and 53 of 2017 and they were disposed of by the Division Bench of this Court. Therefore, by order dated 19.09.2017, this Court refused to entertain the plea raised by the petitioner complaining non-compliance of the order dated 07.06.2016 in WP No. 34523 of 2016 and dismissed the Contempt Petition. Aggrieved by the order dated 19.09.2017 passed in Contempt Petition No. 3108 of 2016, the present Contempt Appeal is filed.

4. We have heard the counsel for the appellant and perused the records. At the outset, the learned single Judge, by the order dated 19.09.2017 dismissed the contempt Petition No. 3108 of 2016 filed by the petitioner's father. It is well settled that as against an order dismissing a contempt petition, a contempt appeal cannot be entertained. If the contempt petition is entertained and any direction is issued thereon, only then a contempt appeal can be entertained by this appellate Court. Therefore, we are of the opinion that the contempt petition is not maintainable and it is liable only to be dismissed. Accordingly, the Contempt Appeal is dismissed. No costs.

Sd/-

Assistant Registrar(CS-CO)

//True Copy//

Sub Assistant Registrar

rsh
To

1. Director of Medical Education
Directorate of Medical Education
162, E.V.R. Periyar Salai, Kilpauk
Chennai - 600 010
2. The Selection Committee
Directorate of Medical Education
162, E.V.R. Periyar Salai,
Kilpauk, Chennai - 10.

+1 CC TO MR.V.Muthuvelan, Advocate SR. No.1890

Cont. Appeal No. 9 of 2017

MP (CO)
RMP (28/03/2018)



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