

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.10.2018

Coram

The Hon'ble Mr.Justice Satrugana Pujahari

Contempt No. 2192 of 2018

S.Seenivasan

...Petitioner

Vs.

1. Thiru.Rameshwara Murugan
Director of School Education,
DPI Campus,
College Road,
Chennai - 600 006.

2. Thiru.Uma
Member-Secretary
Teachers Recruitment Board,
DPI Campus, College Road,
Chennai - 600 006.

... Respondents

Contempt Petition filed under Section 11 of the Contempt of Courts Act to punish the respondents for their wilful and deliberate disobedience of the orders by this Court, dated 03.08.2018 in W.P.No.20116 of 2018.

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For Petitioner : Mr.Dakshayani Reddy

For Respondents : Mrs.P.Kavitha
Government Advocate

O R D E R

Heard, the learned counsel appearing for the parties.

2. This Contempt Petition has been filed on non-compliance of this Court interim order, dated 03.08.2018, vide W.P.No.20116 of 2018 in W.M.P.No.23591 of 2018, wherein, this Court, considering the interim order passed by the Madurai Bench of this Court as well as taking into consideration of the fact that the writ petitioner has secured more marks than the other persons, whose seniority has already been fixed, passed an interim order, the relevant portion of which is extracted hereinbelow:

"However, in the meanwhile, it is open to the petitioner to make a representation and if such a representation is made, the Authority shall also consider the same within one week thereof to accord promotion to the petitioner if he is otherwise entitled to come into the zone of consideration in terms of the interim order passed by the Madurai Bench.

It is also made clear that if any promotion is given, the same shall be subject to the outcome of this Writ

3. Thus, by virtue of the aforesaid interim order, the writ petitioner has made a representation. But, the same having been rejected by the respondents, contemners, whereby, the writ petitioner has not been allowed to participate in the counseling, this Contempt Petition has been filed, alleging wilful disobedience of this Court order.

4. However, it appears from the contention raised by the learned Government Advocate appearing on behalf of the contemners that the contemners having disposed of the representation of the petitioner pursuant to this Court order and in the absence of positive direction issued to allow the contempt petitioner to participate in the counseling and no such counseling being held presently, this Contempt Petition filed on the strength of such interim order is totally misconceived. It is not in dispute that counseling has already been over. However, the learned counsel appearing for the petitioner submits that the counseling for 120 upgraded School will be held in future. But, no date having been fixed, this Court is of the view that there was no non-compliance of this Court order. Hence, this Contempt Petition stands closed.

However, it is made clear that, closure of this Contempt Petition shall not stand on the way of the petitioner to

challenge his non-inclusion in the future counselling to be held by way of an appropriate Petition, if so advised.

SD/-
ASSISTANT REGISTRAR (COMM.CASES)

sd/ggi

//Certified to be true copy//

Dated at Madras this the day of 2018.

COURT OFFICER (O.S.)

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