

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2018

CORAM

THE HONOURABLE **MR.JUSTICE T.S.SIVAGNANAM**

Contempt Petition No.2402 of 2018

Dr.S.Selvakumari

.. Petitioner

-vs-

1.Thiru.Mangat Ram Sharma, IAS,
Principal Secretary to Government,
Higher Education Department,
Fort St. George, Chennai -9.

2.Dr.R.Sarumathy,
Director of Collegiate Education,
DPI Campus, College Road,
Chennai -6.

3.Mr.Lourdsamy,
Secretary,
Meston College of Education,
No.14, West Cott Road,
Royapettah, Chennai - 14.

.. Respondents

Petition under Section 11 of the Contempt of Courts Act, 1971 praying to punish the respondent for willful and deliberate disobeying the order dated 21.02.2017, passed in W.P.No.39010 of 2015, by this Court.

For Petitioner

: Mr.R.D.Ashok Kumar
for Mr.S.N.Ravichandran

For Respondents

: Mr.A.Raja Perumal, AGP

ORDER

Heard R.D.Ashokkumar, for Mr.S.N.Ravichandran,

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

learned counsel for the petitioner and Mr.A.Rajaperumal,

learned Additional Government Pleader, appearing for the respondents.

2. The petitioner has filed this contempt petition alleging that the order and direction passed by this Court in W.P.No.39010 of 2015, dated 21.02.2017, has not been complied with. The operative portion of the order reads as follows:-

"11. In the light of the above discussion, this Court is of the view that the petitioner has not made out any case to set aside the impugned order. Accordingly, the writ petition stands dismissed, however, there will be a direction to the 4th respondent College to submit a fresh request to the 2nd respondent along with a copy of this order, setting out the facts and circumstances of the petitioner's case and the date when she acquired the requisite qualification and it is for the 2nd respondent to consider such proposal in accordance with law. The proposal shall be forwarded by the 4th respondent in terms of the above direction within a period of three weeks from the date of receipt of a copy of this order. No Costs. Consequently, connected miscellaneous petitions are closed."

3. The petitioner's grievance is that the

respondent has passed an order on 28.08.2017, whereby the respondent did not take note of the direction issued by this Court and merely extracted the order passed by this Court and rejected the proposal sent by the College, where the petitioner is functioning.

4. I have perused the order dated 28.08.2017 and heard Mr.A.Raja Perumal, learned Additional Government Pleader for the respondents.

5. It appears that the respondent has not taken note of the second limb of the direction issued in paragraph No.11 of the order dated 21.02.2017 referred supra. In the said order, there was a direction to the Secretary, Meston College of Education, West Cott Road, Royapettah, Chennai, to submit a fresh request to the second respondent therein along with a copy of the order, setting out the facts and circumstances of the petitioner's case and the date when she acquired the requisite qualification, and the respondent was directed to consider such proposal in accordance with law.

6. The direction issued to the College has been complied with as they had sent a request dated 15.03.2017 to the second respondent through proper channel. However, without independently considering the same, it appears that the second respondent has merely gone by the order passed by the Court, wherein the Court dismissed the writ petition, where the petitioner sought for approval of her

appointment as Lecturer in Tamil with effect from 17.08.2007. Therefore, I am of the considered view that the matter has to be reconsidered by the second respondent in terms of the direction issued by this Court by independently applying the mind to the facts placed by the Management vide their proposal dated 15.03.2017.

7. For the above reasons, the order passed by the second respondent dated 28.08.2017 is set aside and the matter is remanded to the second respondent to consider the issue afresh based on the information furnished by the College in their proposal dated 15.03.2017. The College may be granted an opportunity of personal hearing so as to enable the full facts to be placed before the second respondent for consideration.

8. With the above directions, the contempt petition is disposed of. No Costs.

SD/-

सत्यमेव जयते ASSISTANT REGISTRAR (COMM.CASES)

rkm

//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.The Principal Secretary to Government,
Higher Education Department,
Fort St. George, Chennai -9.
- 2.The Director of Collegiate Education,
DPI Campus, College Road,
Chennai - 6.
- 3.The Secretary,
Meston College of Education,
No.14, West Cott Road,
Royapettah, Chennai - 14.



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