

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2019

C O R A M

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

Contempt Petition No. 2078 of 2018

R.L.Mary Amudha,
B.Ed., Tamil Teacher,
RCM High School,
Vandavasi 604408,
Tiruvannamalai District,
Residing at N.Gengapattu,
Via. Thandarai,
Tiruvannamalai District.

... Petitioner

Vs.

Fr.D.Panneer Selvam
The Correspondent
RCM High School
Kancheepuram Road
Vandavasi, Tiruvannamalai District

... Respondent

PRAYER Petition filed under Section 11 of the Contempt of Courts Act, 1971, for having willfully disobeyed the directions given by the Hon'ble High Court dated 13.08.2018 made in W.M.P. No. 24443 of 2018 in W.P. No. 20826 of 2018.

For Petitioner : Mr.M.Gnanasekar

For Respondent : Mr.Father Xavier Arul Raj
Senior Counsel for
M/s.Father Xavier Associates

O R D E R

This Contempt Application is filed to punish the respondent for their willful disobedience of the direction issued by this Court on 13.08.2018 passed in W.M.P. No. 24443 of 2018 in W.P. No. 20826 of 2018. The interim order of this Court was passed on 13.08.2018 as follows:-

" 3.Learned counsel for the petitioner brought to the notice of this Court, an earlier order of this Court dated 12.09.2017 in W.P. No.12604 of 2008, which is filed by one Xavier Raji, challenging his termination. In the said order, the Court has observed that the petitioner Xavier Raji continues to be in service on account of the interim stay of this Court and the observations made in this regard in Paragraph 9 is as under.

"At the outset it needs to be noted that at the time of admission of the writ petition, this Court, by order dated 20.05.2008, granted an order of interim stay of all further proceedings pursuant to the impugned order and the same continues to operate even as on date and the petitioner is admittedly discharging his duties without any hindrance."

4.Though the order dated 12.09.2017 reads that the petitioner therein in the said writ petition viz., Xavier Raji continue to be in the said post, the reality is not so. The factual situation is totally different and in the place of Xavier Raji, the present petitioner R.L.Mary Amudha has been appointed as early as on 04.06.2009."

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2.The learned Senior Counsel appearing on behalf of the respondent /Contemnor made a submission that the writ petitioner was relieved from the post pursuant to the orders of this Court passed in another writ petition in W.P. No. 12604 of 2008 on 31.07.2018.

3.It is contended that the relieving order itself was

issued by the Management of the School on 31.07.2018. However, the order of interim stay was granted by this Court on 13.08.2018 after relieving the petitioner from service.

4.This apart, it is brought to the notice of this Court that other person Mr.Xavier Raji, whose writ petition was allowed on 12.09.2017 in W.P. No. 12604 of 2008 was permitted to join duty. Thus, the Management was not in a position to change the situation and they have not committed any contempt as such alleged by the contempt petitioner. Thus, this Court is of the considered opinion that the writ petitioner was relieved from service on 31.07.2018 itself and the interim stay was granted on 13.08.2018.

5.This being the factum, this Court is of an opinion that the respondent has not committed any contempt warranting the action under the Contempt of Courts Act.

6.Accordingly, this Contempt Petition stands closed.

No costs.

SD/-

Assistant Registrar (Comm. Cases)

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//Certified to be true copy//

Dated at Madras this the day of 2019.

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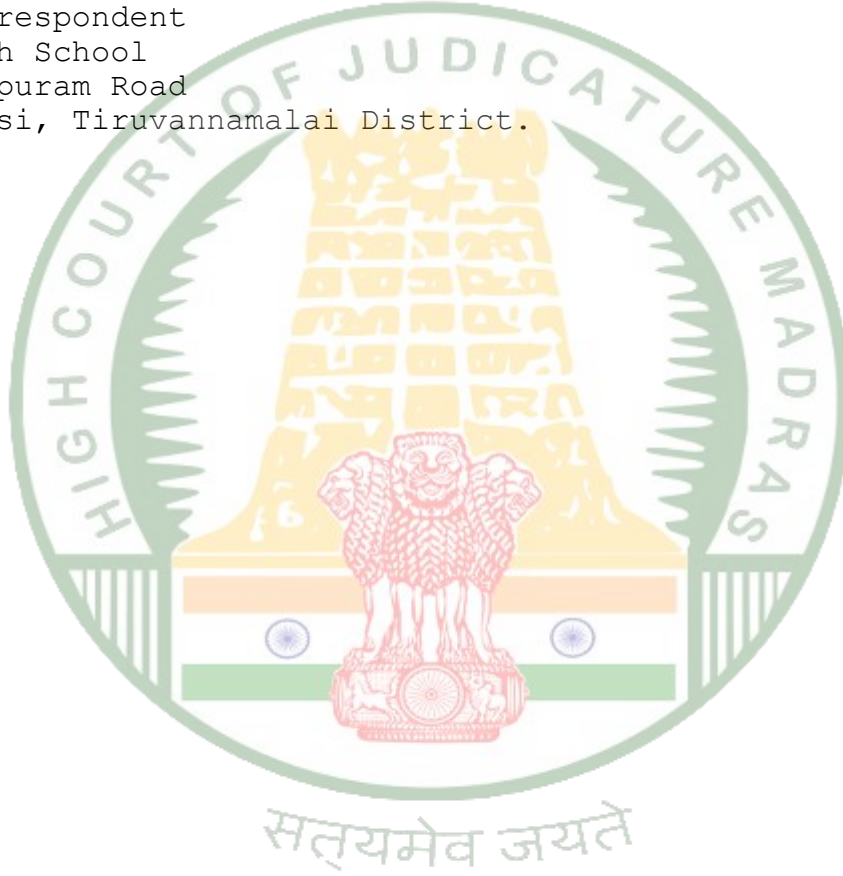
COURT OFFICER(O.S.)

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SS/20/05/2019

To

The Correspondent
RCM High School
Kancheepuram Road
Vandavasi, Tiruvannamalai District.



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