

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2019

CORAM:

THE HON'BLE MR. JUSTICE K.K.SASIDHARAN

AND

THE HON'BLE MR. JUSTICE RMT.TEEKA RAMAN

Contempt Petition No.966 of 2018

and Review Application No.103 of 2019

Cont.P.No.966 of 2018 :-

Dr.V.Kamalam ... petitioner

versus

1.Dr.A.Sakuntala,
The Correspondent,
Venkateswara Homeopathy medical College,
6/117-A, Mount Poonamalee Road,
Porur, Chennai 116.

2.Dr.A.Sakuntala,
Principal,
Venkateswara Homeopathy medical College,
6/117-A, Mount Poonamalee Road,
Porur, Chennai 116. ... respondents

Petition filed under Section 11 of the Contempt of Courts Act to punish the respondents for wilfully disobeying the orders of the court dated 30.06.2017 in W.P.No.2182 of 2012.

For petitioner Mr.A.Arulmozhi

R.A.No.103 of 2019

1.The correspondent
Venkateswara Homeopathy Medical College
6/117-A, Mount Poonamalee Road,
Porur, Chennai 116.

2.The Principal,
Venkateswara Homeopathy Medical College
6/117-A, Mount Poonamalee Road,
Porur, Chennai 116. ... petitioners

1.Dr.V.Kamalam

2.The State of Tamil Nadu,
rep. By its Secretary,
Government of Tamil Nadu,
Department of Higher Education,
Fort St.George, Chennai 9.

3.The Tamil Nadu Dr.MGR Medical University,
rep. By its Registrar,
No.69, Anna Salai,
Guindy, Chennai 32.

4. Tamil Nadu Homeopathy Medical Council,
rep. By its Registrar,
Arumbakkam, Chennai 106. respondents

Review Petition filed to review the order dated
30.06.2017 in W.A.No.2182 of 2012.

Appearance :-

Ms.A.Arulmozhi, for petitioner in Cont.P.No.966 of 2018 and
for 1st respondent in Rev.App.No.103 of 2019

Ms.Geeta Ramaseshnan, for petitioner in Rev.App.No.103 of
2019

Mr.C.Munusamy, Spl.G.P., for 2nd respondent in
Rev.App.No.103 of 2019

COMMON ORDER

(Order of the Court was made by K.K.SASIDHARAN, J.)

The contempt petition is filed by the appellant in
W.A.No.2182 of 2012 alleging non compliance of the order
passed by this Court relating to payment of compensation.

1. The review application is filed by the respondents 4
and 5 in W.A.No.2182 of 2012 to review the judgment on
the ground that for the reasons beyond control, the
management could not appear on the date of hearing.

3. We have heard the learned counsel for the petitioner in the contempt petition, and the learned counsel for the management, who is also the counsel for the applicant in the review petition.

4. The review applicant is primarily aggrieved by the direction given to the Dr.MGR Medical University to conduct enquiry, taking into account the complaint filed by the petitioner in the contempt petition. It is the case of the college that pursuant to the orders passed by this Court, a sum of Rs.5 lakhs was paid to the petitioner in the contempt petition. The college seeks only to review the direction to take appropriate action by the University against the management.

5. The learned counsel for the petitioner in the contempt petition submitted that the petitioner is not interested to prosecute the matter any longer in view of the payment of compensation pursuant to the orders passed by this Court. According to the learned counsel, in case assurance is given by the management that such things would not occur in the future, no further action is necessary in the matter. We therefore directed both the parties to file affidavits before this Court.

6. The petitioner in the review application filed an affidavit indicating the payment made to the petitioner in the contempt petition and with an assurance that such things would not happen in future. The petitioner in the contempt petition also filed an affidavit, satisfying with the action so far taken.

7. The indifferent attitude of the management and the unnecessary controversy raised on account of wearing the salwar kameez generated and unwanted litigation. The management has realized the mistake. The petitioner in the contempt petition is also satisfied with the action so far taken. In fact, the management has paid a sum of Rs.5 lakhs to her, taking into account the order passed by this Court. We are therefore of the view that time has come to give a quietus to the entire issue.

8. We review the judgment dated 30 June 2017 in W.A.No.2182 of 2012 by recalling the liberty granted to the appellant therein, who is the petitioner in the contempt petition, to submit a comprehensive representation to the Tamil Nadu Dr.MGR Medical College and the consequent direction to the University to conduct enquiry in the matter and take appropriate action against the management in accordance with law. The review application is disposed of with the above modification of the order passed by this

Court dated 30 June 2017 in W.A.No.2182 of 2012. The contempt petition is closed taking into account the compliance of the direction issued by this Court.

9. We extract the undertaking given by the management in paragraph 5 of the affidavit herein.

5. I respectfully submit that as Principal and Correspondent, I will ensure that such events will not occur in the future in the institution and will also see that proper care is taken to prevent such incidents from occurring in the future and seek the indulgence of this Hon'ble Court to review the order and render justice.

10. We hope that the Management would honour its commitments and ensure that the institution would not give room for recurrence of a similar incident henceforth.

11. The contempt petition is closed and the review petition is disposed of as indicated above. There is no order as to costs.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

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Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

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Rsk/25/07/2019

To,

- 1) The Registrar,
Tamil Nadu Dr. MGR Medical University,
No.69, Anna Salai, Gundi, Chennai-32.
- 2) The Secretary, Government of Tamil Nadu,
Department of Higher Education,
Fort St.George, Chennai-9.
- 3) The Registrar,
Tamil Nadu Homeopathy Medical Council,
Arumbakkam, Chennai-106.
- 4) The Correspondent,
Venkateswara Homeopathy Medical College,
6/117-A, Mount Poonamallee Road,
Porur, Chennai-116.
- 5) The Principal,
Venkateswara Homeopathy Medical College,
6/117-A, Mount Poonamallee Road,
Porur, Chennai-116.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

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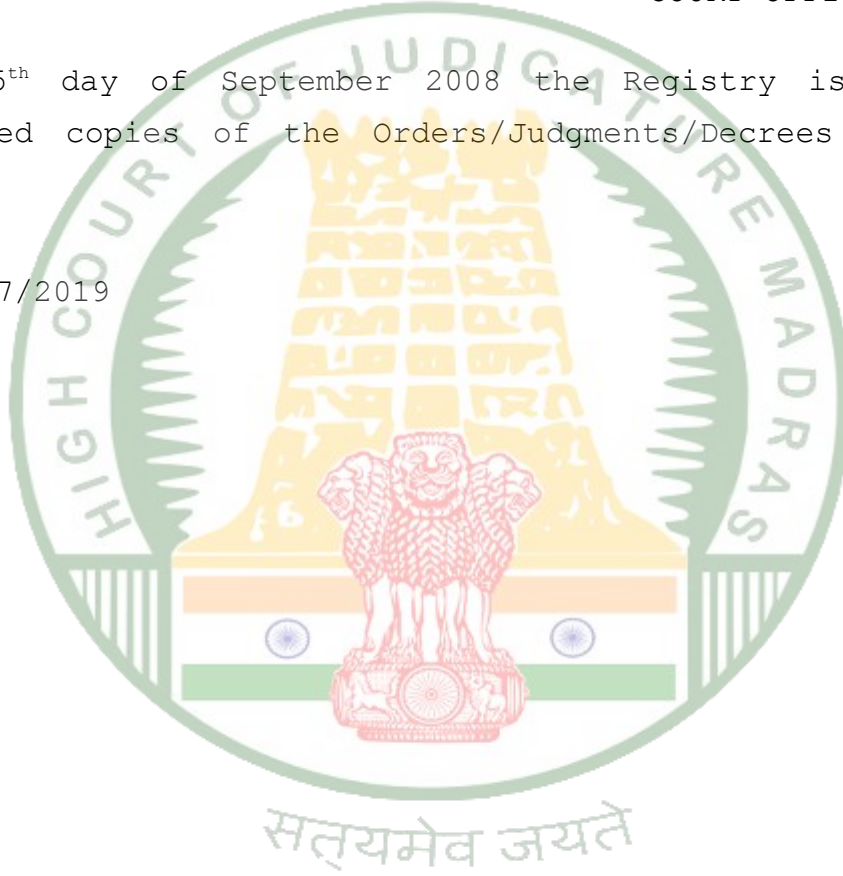
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