

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 18.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

Contempt Petition No. 1094 of 2019

Mr.P.Rabi

... Petitioner

Vs.

Dr.Jothi Venkateswaran,
Director of Collegiate Education,
College Road, Chennai - 600 006.

... Respondent

Prayer: The Contempt Petition has been filed under Section 11 of Contempt of Courts Act, 1971 praying to punish the respondent herein for his deliberate and willful disobedience of the order dated 04.08.2015 passed in W.P.No.23642 of 2015 on the file of this Hon'ble Court.

For Petitioner : M/s.S.A.V.Bharathi

For Respondent : Mr.P.Raja, GA

O R D E R

सत्यमेव जयते

This instant contempt petition has been filed for non-compliance of the directions passed in WP.No.23642 of 2015 dated 04.08.2015. This Court passed the following orders:-

"5. This Court considered the rival submissions and also perused the proceedings of the first respondent, dated 13-01-2015, the order of this Court, dated 26-09-2008 in W.P.No.23712 of 2008 (X. Joice Issabella Vs. Director of School Education and others), the judgment of the

Division Bench of this Court, dated 24-04-2009 in W.A.No.99 of 2009 and the order of the Supreme Court in S.L.P.(Civil)No.27331 of 2013 dated 04-10-2013. In the light of above facts and circumstances of the case, this Court directs the respondent Nos.1 and 2 to consider and dispose of the petitioner's representation, dated 28-04-2015, on merits and in accordance with law, after taking into consideration the order of this Court in W.P.No.23712 of 2008 dated 26-09-2008, confirmed in appeal and special leave petition, as well as the proceedings of the first respondent, dated 13-01-2015 within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken to the writ petitioner"

2. Alleging the case of the petitioner has not been considered in light of the judgment of this Court dated 26.09.2008 in WP.No.23712 of 2008, the instant contempt petition has been filed. Today the learned counsel for the petitioner has produced an order dated 16.10.2015 showing compliance of directions of the order passed by this Court in WP.No.23642 of 2015 dated 04.08.2015.

3. The learned counsel for the petitioner states that her client is not aware of the order dated 16.10.2015 which has been passed in compliance of the order of this Court. Therefore nothing survives in the contempt petition. Taking

note of the fact that the petitioner was not aware of the order dated 16.10.2015, which has been passed in compliance of the order passed by this Court, the petitioner may if advised and if not satisfied with the order dated 16.10.2015 challenge the same by filing an appropriate petition. Though the Limitation Act is not applicable for filing a writ petition, but the principles contained in the Limitation Act are taken into consideration for considering the delay in filing a writ petition. Such benefit will enure for the petitioner for the simple reason that the petitioner was not aware of the order dated 16.10.2015. Accordingly, Contempt Petition is disposed of.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

pkn

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

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Smi/09/10/2019

To

Director of Collegiate Education,
College Road, Chennai - 600 006.

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