

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2019

CORAM

THE HON'BLE Mr. JUSTICE **M.M. SUNDRESH**
and
THE HON'BLE Mr. JUSTICE **M.NIRMAL KUMAR**

Cont.P.No.1904 of 2017

Bini K.M. ... Petitioner

Vs.

1.G.Ragesh Chandra, I.A.S.,
The Secretary to Government,
Education Department,
Chief Secretariat, Puducherry.

2.T.Karikalan,
The Director of Secondary and
Higher Secondary Education,
O/o.The Directorate of
Secretary and Higher Secondary
Education, Govt. of Puducherry,
Perunthalaivar Kamaraj Centenary,
Education Complex, 100 Feet Road,
Anna Nagar, Puducherry.

3.I.Kumar,
The Director of School Education,
Directorate of School Education,
Government of Puducherry,
Puducherry. ... Respondents

Petition filed under Section 11 of Contempt of Courts
Act to punish the respondents for wilfully disobeying the
order of this Court in W.P.No.1926 of 2013 dated 03.07.2013.

For Petitioner .. Ms.K.Nithyashree

For Respondents .. Mr.R.Syed Mustafa,
Spl. Govt. Pleader

ORDER

(Order of the Court was made by **M.M.SUNDRESH, J.**)

Alleging that the order passed by a Division Bench dated 03.07.2013 in W.P.No.1926 of 2013 with respect to appointment to the post of Trained Graduate Teachers has not been complied with in letter and spirit only as against the petitioner, the present contempt petition has been filed.

2.The learned counsel appearing for the petitioner submitted that strangely the petitioner alone has been left out. Though it is the fact that the petitioner was disengaged, she was re-engaged thereafter. Therefore, the benefit extended to similarly placed persons will have to be extended to her as well.

3.The learned Special Government Pleader appearing for the respondents would submit that the said order was passed informing the petitioner the reason as to why she was not accorded the benefit of appointment to the post of Trained Graduate Teacher. The petitioner was initially disengaged. Her continuation was also not accorded for the academic year 2012-2013. The school did commit a mistake by ignoring these facts. Accordingly, the school was informed and she was once again disengaged on 16.01.2013. The learned Special Government Pleader placed reliance upon paragraph

14 of the affidavit filed, which is extracted hereunder:-

I respectfully submit that it is once again reiterated that the petitioner had discontinued the engagement from 01.06.2011 and hence sanction for continuing the engagement against which she was initially engaged was also not accorded from the academic year 2012-13 onwards. When it was brought to notice of the Department that petitioner, after having discontinued the engagement for the entire academic year 2011-12, was reengaged on 01.06.2012 without any specific orders of the Government, the school concerned was asked to disengage her immediately and accordingly, she was disengaged on 16.01.2013. Continuing in service as Hourly Paid Lecturer without any break till the date of issue of orders of regularization on 23.06.2014 was the sole criterion prescribed in the G.O. for regulation of the services of Hourly Paid Lecturers. The petitioner did not fulfill the basic condition as she discontinued the engagement as Hourly Paid Lecturer on 01.06.2011 i.e. prior to 23.06.2014, the date on which orders for regularization were issued and hence her case was not considered for regularization. Considering the case of the

petitioner will pave way for those Hourly Paid Lecturers whose cases were not considered for the said reason to stake claim for similar relief which could practically be not feasible for the Department. Moreover, settled things could not be unsettled as it will lead to multiple litigations.

4.Considering the above, we do not find any wilful disobedience of the order passed. The issue involved before the Division Bench was different than the one sought to be canvassed before us. If the petitioner has got grievance with her disengagement was not correct and her non-consideration on that footing also cannot be sustained, her remedy lies elsewhere and not by way of contempt petition.

5.In view of the above, the contempt petition stands closed with the liberty to the petitioner to work out the remedy in the manner known to law.

सत्यमेव जयते SD/-

ASSISTANT REGISTRAR (COMM.CASES)

mmi

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

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