

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(CONTEMPT JURISDICTION)

FRIDAY, THE 10TH DAY OF JANUARY, 2020

THE HON'BLE MR.JUSTICE R.SUBBIAH

CONTEMPT PETITION NO.786 OF 2017

IN

W.P.NO.35439 OF 2016

The Secretary
V.S.Boys Higher Secondary School,
Thiruvarur ,Thiruvarur District-610 001.
...PETITIONER/PETITIONER

Vs

- 1 Mrs.K.Parvathy,
The Chief Educational Officer,
Durgalaya Road, Thiruvarur,
ThiruvarurDistrict- 610 001.
- 2 Thiru.D.Cholan,
The District Educational Officer,
South Main Street, Thiruvarur,
Thiruvarur District-610 001....RESPONDENTS/RESPONDENTS

Contempt Petition filed under Section 11 of the
Contempt of Courts Act, 1971 praying that this Hon'ble
Court be pleased to issue notice to punish the respondents
herein for their wilful and deliberate disobedience and
defiance of the orders of this Hon'ble Court dated
02.12.2016 in Writ Petition No.35439 of 2016 and close the
breach thereof.

The above Contempt Petition coming on this day before this Court for hearing in the presence of M/S.P.Godson Swaminath, Advocate appearing for the petitioners herein; and of Mr.A.Rajaperumal, Additional Advocate General appearing for the Respondent herein; and upon reading the petition and affidavit of M.Vaduguganathan, filed herein; the Court made the following order:

"When this Contempt Petition came up before us on 22.08.2019, it was closed observing as follows:

"3. Today when the matter is taken up for consideration, it is represented by learned Special Government Pleader (Edn.) for respondents that the order of this Court has been complied with. Since the order of this Court has been complied with, nothing survives for further adjudication in this Contempt Petition.

Accordingly, the Contempt Petition is closed."

2. The matter was brought-forth before us today "for orders" at the instance of the learned counsel for the petitioner. The learned counsel for the petitioner submitted that by order dated 02.12.2016 passed in W.P.No.35439 of 2016, this Court has directed the respondents 1 and 2 to consider the proposal in the light of the judgment of this Court referred to therein and to pass appropriate orders with regard to granting approval for appointment of the petitioner as Physical Education Teacher (P.E.T) with effect from 03.08.2015. The learned counsel for the petitioner further submitted that though this Court has directed to consider the said proposal with regard to granting approval for appointment of the petitioner as Physical Education Teacher with effect from 03.08.2015,

ultimately, the benefits of approval were given only from 01.06.2017 and hence, according to the learned counsel for the petitioner, there is contempt.

3. However, it is to be noted that in the said order dated 02.12.2016 in W.P.No.35439 of 2016, this Court has not given any positive direction and the direction was issued only to consider the said proposal with regard to granting approval for appointment of the petitioner as Physical Education Teacher. If the petitioner has any grievance, he has to work out his remedy, challenging the same by way of separate proceedings."

WITNESS THE HON'BLE THIRU.JUSTICE AMRESHWAR PRATAP
SAHI, THE CHIEF JUSTICE OF HIGH COURT AT MADRAS, AS
AFORESAID, THIS THE 10TH DAY OF JANUARY 2020.

SD/-

JOINT REGISTRAR(OS)

//Certified to be true copy//

Dated at Madras this the day of 2020.

COURT OFFICER(O.S.)

from 25th day of September 2008 the Registry is issuing
Certified copies of the Orders/Judgments/Decrees in this
format.

RA/27/01/2020

CONTEMPT PETITION No.786/2017

THE HON'BLE MR.JUSTICE R.SUBBIAH

ORDER

DATED :10/01/2020

FOR APPROVAL :27/01/2020

APPROVED ON :27/01/2020

Copy to,

1.Mrs.K.Parvathy,
Chief Educational Officer,
Durgalaya Road, Thiruvarur,
ThiruvarurDistrict- 610 001.

2.Thiru.D.Cholan,
District Educational Officer,
South Main Street, Thiruvarur,
Thiruvarur District-610 001.

3.The Secretary
V.S.Boys Higher Secondary School,
Thiruvarur District-610 001.



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