

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE S. VAIDYANATHAN

Contempt Petition No.2293 of 2018

V.Vijayamareeswari

Vs

.. Petitioner

1.M/s.Mangathram Sharma IAS.,
Secretary to Government,
Higher Education Department,
Secretariat,
Chennai-600 009.

2.Mr.Vivekanandan IAS.,
Commissioner of Technical Education,
Directorate of Technical Education,
Chennai-600 025.

... Respondents

Prayer :- Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondents for disobeying and order of this Hon'ble High Court dated 15.03.2018 in W.P.No.11126 of 2013.

For Petitioner : Mr.G.Elanchezhiyan

For Respondents : Ms.P.Kavitha, Government Advocate

ORDER

When the matter is taken up for hearing, it is represented by the learned Government Advocate appearing for the respondents that as against the order passed in WP.11126 of 2013, Writ Appeal No.2700/2018 has been filed and interim stay has been granted by a Division Bench of this court, by order dated 04.01.2019.

2. In view of the above submission of the learned

Petition will not lie against the order passed in W.P.No.11126 of 2013.

3. In the case of **Kunhayammed vs. State of Kerala**, reported in **(2000 (6) SCC 359)**, the principle of Doctrine of Merger has been widely discussed. With reference to the three-Judge ruling in **Kunhayammed** case and yet another decision of the Apex Court in the case of **Dineshan, K.K. vs. R.K.Singh** reported in **(2014) 16 SCC 88**, this Court is of the view that once the order passed in a Writ Petition gets merged with the order of the Writ Appeal, the remedy available to the petitioner is to file a Contempt in the Writ Appeal and not in the Writ Petition, unless and until the Apex Court specifically directs the High Court to decide the issue.

4. Thus, in view of the principle of Doctrine of Merger discussed above, **the present Contempt Petition cannot be adjudicated and hence, it is closed.** However, it is open to the Petitioner to work out her remedy in the manner known to law.

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SD/-

ASSISTANT REGISTRAR (COMM.CASES)

nvsri

//Certified to be true copy//

Dated at Madras this the day of 2019.

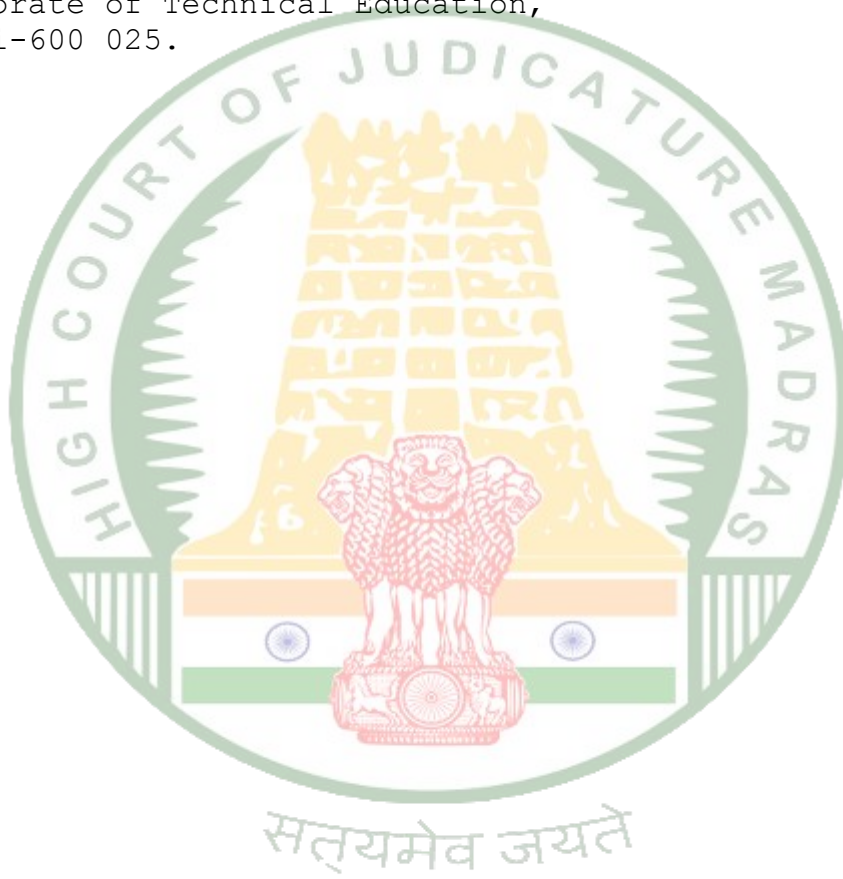
COURT OFFICER(O.S.)

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Mv/09/07/2019

To

- 1.The Secretary to Government,
Higher Education Department,
Secretariat, Chennai-600 009.
- 2.The Commissioner of Technical Education,
Directorate of Technical Education,
Chennai-600 025.



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