



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **17.10.2019**
CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

CONT.A(MD)No.10 of 2019
and
C.M.P. (MD)No.9442 of 2019

A.Deivendran ... Appellant/Petitioner
Vs.
V.Chinnaiha,
Registrar,
Madurai Kamarajar University,
Palkalai Nagar, Madurai-625 021. ... Respondent/Contemnor

PRAYER: Appeal filed under Section 19 of the Contempt of Courts Act, 1971, praying to set aside the order passed by this Court in Cont.P. (MD)No.1450 of 2018 dated 18.06.2019.

Prayer in CONT P(MD). 1450/ 2018 :

Contempt Petition is filed under section 11 of Contempt of Court's Act, praying this Hon'ble Court to punish the contemnor / respondent for wanton and willful disobedience of the order passed by this Honourable Court in W.P.(MD) No. 8751 of 2014 dated 16.09.2015.

Prayer in WP(MD). 8751/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondent to conduct the interview afresh for the post of Associate Professor in the Department of Sociology by calling the petitioner for interview.

For Petitioner : Mr.G.Thalimutharasu
For Respondent : Mr.T.Sakthi Kumaran
Standing counsel

ORDER

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

This contempt appeal has been filed to set aside the order of this Court made in CONT.P.(MD)No.1450 of 2018, dated 18.06.2019.

2. When the contempt appeal was presented, the registry
<https://hcservices.ecourts.gov.in/hcservices/>



raised an objection contending that the order passed in the contempt petition does not impose any punishment on the appellant and therefore, the appeal is not maintainable.

3. Since the registry raised an objection, we listed the matter for maintainability and after it was pointed out that while disposing of the contempt petition, the learned Single Bench of this Court had modified the order and direction issued in the writ petition. We have heard the matter in detail on 27.09.2019 and directed the contempt appeal to be numbered in the light of the peculiar circumstances of the case and we made it clear that the order directing numbering of the contempt appeal shall not be treated as precedent. This is how the appeal is before this us.

4. After we have heard the learned counsel for the parties, we are of the considered view that the learned writ Court was not right in modifying the order and direction issued in the writ petition especially when the respondent University has not filed any appeal against the order in the writ petition, dated 16.09.2015. It is pointed out by the learned counsel for the appellant that the order and direction in paragraphs 3 and 5 of the impugned order, dated 18.06.2019 are the paragraph, in which modification direction was issued by the writ Court. As we have satisfied that such exercise could not be done, we are inclined to allow this appeal and delete the portion of the order.

5. For the above reasons, we allow this contempt appeal and set aside the order passed in the contempt petition, dated 18.06.2019, and restore the contempt petition to the file of the learned single Bench to be heard and decided afresh on merits. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To

V.Chinnaiha,
Registrar,
Madurai Kamarajar University,
Palkalai Nagar,
Madurai-625 021.

+1 CC to Mr.T.SAKTHI KUMARAN, Advocate (SR-92517[F] dated

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+1 CC to Mr.G.THALAIMUTHARASU, Advocate (SR-92822[F] dated
18/10/2019)

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