

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.09.2020

**CORAM:
THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN**

Contempt Petition Nos.1248, 1249 & 1250 of 2016

Cont.P.No.1248 of 2016:

D.Ubendhiran

... Petitioner

vs.

1. Dr.K.Sekar,
Director of Collegiate Education,
College Road, Chennai – 600 006.

2. Dr.K.Jagadeeshan,
Joint Director of Collegiate Education,
Race Course Road, Coimbatore – 18.

3. Dr.G.Paul Vasanthakumar,
Secretary,
Bishop Thorp College,
Diocesan Officer, Puthur,
Trichy – 620 017.

4. Dr.K.G.Senthilvasan,
Registrar,
The Bharathiar University,
Coimbatore – 46.

... Respondents

Contempt Petition filed under Order 11 of the Contempt of Courts Act, 1971, praying to punish the Respondents for disobeying the common order dated **30.04.2015**, passed in **W.P.No.10366 of 2004**.

Cont.P.No.1249 of 2016:

S.Vasudevan

... Petitioner

vs.

1. Dr.K.Sekar,
Director of Collegiate Education,
College Road, Chennai – 600 006.
2. Dr.K.Jagadeeshan,
Joint Director of Collegiate Education,
Race Course Road, Coimbatore – 18.
3. Dr.K.G.Senthilvasan,
Registrar,
The Bharathiar University,
Coimbatore – 46.
4. Dr.G.Paul Vasanthakumar,
Secretary,
Bishop Thorp College,
Ellis Nagar Post,
Dharapuram – 620 017.

... Respondents

Contempt Petition filed under Order 11 of the Contempt of Courts Act, 1971, praying to punish the Respondents for disobeying the common order dated **30.04.2015**, passed in **W.P.No.8989 of 2011**.

Cont.P.No.1250 of 2016:

S.Chenniappan

... Petitioner

vs.

1. Dr.K.Sekar,
Director of Collegiate Education,
College Road, Chennai – 600 006.

2. Dr.K.G.Senthilvasan,
Registrar,
The Bharathiar University,
Coimbatore – 46.

3. Dr.G.Paul Vasanthakumar,
Bishop and Chairman,
Bishop Thorp College,
Dharapuram – 638 657.
Tirupur District.

... Respondents

Contempt Petition filed under Order 11 of the Contempt of Courts Act, 1971, praying to punish the Respondents for disobeying the common order dated **30.04.2015**, passed in **W.P.No.29772 of 2004**.

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For Petitioner in all
Contempt Petitions

: Mr.P.Premkumar

For Respondents in all
Contempt Petitions

: Ms.H.Mary Sowmi Rexi

COMMON ORDER

These Contempt Petitions are filed alleging willful disobedience of the common order dated **30.04.2015** passed by this Court in **W.P.No.10366 of 2004, W.P.No.8989 of 2011 and W.P.No.29772 of 2004**, respectively.

2. When the matter is taken up for hearing today, it is represented by the learned counsel appearing for the Respondents that, the orders under

contempt are challenged in **W.A.Nos.1216, 1217 and 1218 of 2016** and are disposed of by a Division Bench of this Court vide judgment dated **13.02.2020**.

3. In view of the submissions of the learned counsel appearing for the Respondents, Contempt will not lie against the order dated 30.04.2015 passed in W.P.No.10366 of 2004, W.P.No.8989 of 2011 and W.P.No.29772 of 2004, respectively.

4. 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.

5. Thus, in view of the principle of Doctrine of Merger discussed above, **the present Contempt Petitions cannot be adjudicated and hence, they are closed.** However, it is open to the Petitioners to work out their remedy in the manner known to law.

SD/-
ASSISTANT REGISTRAR(COMM.CASES)
aeb/jas
//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.

SMI/06/11/2020

To

1. The Director of Collegiate Education,
College Road, Chennai – 600 006.
2. The Joint Director of Collegiate Education,
Race Course Road, Coimbatore – 18.
3. The Registrar,
The Bharathiar University,
Coimbatore – 46.