

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2020

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Cont.P.No.975 of 2020

1.A.Nirmala

2.S.Parameshwari

3.M.Adilakshmi

4.N.S.Geetha

5.V.Poonguzhali

All are working at

Sri Krishna Middle School,

92-92 A Sough Mada Street,

Little Kancheepuram,

Kancheepuram.

.. Petitioners

Vs.

1.Baskara Sethupathy,

Joint Director of Elementary Education, (Aided Schools),

College Road,

Chennai – 600 006.

2.Sami. Sathiyamoorthy,

Chief Educational Officer,

Kancheepuram.

3.Ellappan,

District Elementary Educational Officer,

Kancheepuram.

.. Respondents

Prayer: Contempt Petition is filed under Section 11 of the Contempt of Court's Act 1971, praying to punish the respondents herein for their willful disobedience and non-compliance of the order dated 27.08.2019 made in W.P.No.11059 of 2010.

For Petitioners : Mr.S.N.Ravichandran

For Respondents : Mr.C.Munusamy,
Special Government Pleader

ORDER

The matter is heard through "Video Conferencing".

2.The present Contempt Petition is filed to punish the respondents herein for their willful disobedience and non-compliance of the order dated 27.08.2019 made in W.P.No.11059 of 2010.

3.The learned counsel appearing for the petitioners submitted that the respondents have disobeyed the order of this Court dated 27.08.2019 by not deploying the petitioners to nearby Schools. The learned counsel appearing for the petitioners submitted that the respondents have filed counter affidavit undertaking to re-deploy the petitioners to nearby schools. The respondents despite receiving the representation by the petitioners and notice issued through their counsel, failed to implement the order of this Court. He further

contended that respondents have given undertaking before this Court by way

of counter affidavit and failed to deploy the petitioners to nearby schools and committed contempt and referred to the interim order dated 26.05.2010 granted by this Court, finding of the Enquiry Committee dated 24.09.2010, proceedings of the District Educational Officer dated 29.07.2019, representation of the petitioners dated 10.02.2020 and prayed for punishing the respondents.

4.Mr.C.Munusamy, learned Special Government Pleader appearing for the respondents filed typed set of papers enclosing inspection report of the District Educational Officer dated 29.10.2020, School photographs and the proceedings of the District Educational Officer dated 05.11.2020. The Special Government Pleader submitted that as per the order of this Court dated 27.08.2019, the 3rd respondent inspected the School on 29.10.2020 and filed a report. At the time of inspection, the 3rd respondent found 154 students are studying in the School, 2 Graduate Teachers and 5 Secondary Grade Teachers are working in the School. The School is provided with facilities like class rooms to accommodate all the students, playground, drinking water, toilets, fire extinguishers and School is functioning as per the norms. The 3rd respondent filed a report to that effect. The 3rd respondent in the report has also stated that School obtained all the necessary certificates for infrastructure like building permit, health certificate and fire protection certificate obtained from the Authorities. The learned Special Government Pleader further

submitted that the 3rd respondent discussed with parents of the students as well as teachers who expressed their willingness to continue in the same School. Due to the present pandemic situation, the order of this Court could not be complied within the time stipulated by this Court. The respondents have not committed any contempt. On the other hand, they have complied with the order of this Court and prayed for dismissal of the contempt petition.

5.Heard the learned counsel appearing for the petitioners as well as Mr.C.Munusamy, learned Special Government Pleader appearing for the respondents and perused the entire materials on record.

6.From the materials available on record, it is seen that this Court on 27.08.2019 passed the following order:

“...4.From the averments in the affidavit, it is seen that the petitioners have made various allegations against the respondents 7 and 8 and sought for an action being taken against the 7th respondent and transfer the petitioners to nearby appropriate Government School. The 5th respondent by the proceedings dated 29.07.2019, given the instructions to the Government Advocate and counter affidavit dated 6th August, 2019 was filed stating that eight Secondary Grade Teachers and one B.T Assistant were

already transferred to other School due to reduction of students' strength and consequent reduction of staff strength. The 5th respondent has also stated that the 7th respondent has not provided necessary infrastructure and safety measure for the welfare of the students. The learned counsel appearing for the 7th respondent has stated that all the defects were rectified and for the defects pointed out by the 5th respondent, no notice was given to the 7th respondent. In view of the said contention, the 5th respondent is directed to inspect the 7th respondent School and if 7th respondent has not provided necessary infrastructure for the students like class room, toilet, other sanitary and fire safety measures, it is open to the 5th respondent to take proceedings against the 7th respondent for withdrawal of recognition and also closure of School after following the procedures. It is needless to say that if 5th respondent comes to the conclusion that recognition granted to the 7th respondent has to be withdrawn and to be closed, the 5th respondent is at liberty to re-deploy the petitioners to other Schools as stated in the counter affidavit and in the proceedings dated 29.07.2019 and also transfer the students to the nearby School. The 7th respondent at the time of redeployment of the petitioners is directed to return all the original

certificates of the petitioners. As far as the relief of taking appropriate action on the 7th respondent is concerned, already a criminal proceeding is initiated and the same is pending. Today Criminal Original Petition filed by the 8th respondent to quash the criminal proceedings initiated against her (8th respondent) is pending. The petitioners are not entitled to said relief in the Writ Petition.”

In the above cited order, this Court directed the 3rd respondent herein to inspect the School and if Management of School has not rectified the defects pointed out by the Authorities, it is open to the 3rd respondent to take action against the Management for withdrawal of the recognition and closure of School by following the procedure. If the 3rd respondent comes to the conclusion that recognition has to be withdrawn and school has to be closed, deploy the teachers and transfer the students to nearby schools. From the report filed by the 3rd respondent and photographs filed by the learned Special Government Pleader, it is seen that the School is provided with necessary infrastructure and it is functioning as per norms by obtaining necessary certificates from the Authorities. The 3rd respondent after inspection found that School is provided with infrastructure and functioning as per the rules and regulations. The 3rd respondent has not withdrawn the recognition and has not ordered for closure of School and not deployed the petitioners to nearby

School. The 3rd respondent has not committed any contempt of Court and disobeyed the order of this Court.

7.In view of the above, the contention of the learned counsel appearing for the petitioners that respondents have not complied the order of this Court by disobeying the order and committed contempt is not correct.

8.In the result, the contempt petition is dismissed. No costs.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

krk

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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GS/31/03/2021

To

1.The Joint Director of Elementary Education, (Aided Schools),
College Road,
Chennai – 600 006.

2.The Chief Educational Officer,
Kancheepuram.

3.The District Elementary Educational Officer,
Kancheepuram.

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