

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2020

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

Contempt Petition No.979 of 2014
and Sub Application (OS).No.402 of 2020

Dr.P.K.Ravichandar

...Petitioner in Contempt Petition
/ Respondent in Sub Application

-Vs-

1.Chettan B.Chanki

Chief Secretary-cum-Chairman
Mahatma Gandhi Dental College and Hospital
Puducherry-605 001

2.Dr.Shyam Singh

Principal
Mahatma Gandhi Dental College and Hospital
Puducherry-605 006

3.Thiru Muthukumar

Registrar
Mahatma Gandhi Dental College and Hospital
Puducherry-605 006

...Respondents in Contempt Petition
/ Petitioner in Sub Application

Prayer : Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondents for wilful disobedience of the order passed by this Court in W.P.No.976 of 2004 dated 03.01.2011.

Sub Application filed u/s 151 cpc to recall the non bailable warrant

issued in the order dated 19-11-2020 in the above Contempt Petition No. 979 of 2014 for the appearance of the present Chief Secretary to the Government cum Chairman, The Principal (Now Dean / Head of the Institution) and the Registrar of the Mahatma Gandhi Post Graduate Institute of Dental Sciences before this Hon'ble Courton 30-11-2020.

For Petitioner : Mr.Selvaraju, Senior Counsel
for M/s.C.S.Associates

For Respondents : Mr.T.P.Manoharan, Senior counsel
Assisted by Mr.T.M.Naveen
for R1 to R3.

ORDER

1. Mr.Ashwin Kumar, Chief Secretary, Pondicherry, (2) Mr.Kennedy Babu, Principal, Mahatma Gandhi Dental College and Hospital, Puducherry and (3) Dr.Ramesh Babu, Registrar, Mahatma Gandhi Dental College and Hospital, Puducherry, appeared through Video Conferencing and their submissions are heard. Their appearance is recorded.

2. The present contempt petition is filed by the petitioner for non compliance of the order of this court dated 03.01.2011 made in W.P.No.976 of 2004.

3. The learned counsel for the petitioner would submit that even after

this court passing the order on 03.01.2011, directing the respondents to consider the case of the petitioner for appointment to the post of Lecturer in the Department of Pathology, within a period of four weeks from the date of receipt of a copy of the said order, the order is still not complied with. Therefore, the petitioner was forced to file this Contempt Petition.

4. The learned counsel for the Respondents would submit that the upper age limit for the post of Lecturer was 35 years and for SC/ST candidates, they are eligible for 5 years relaxation. The Date of the Birth of the petitioner is 21.04.1958. Admittedly, on the crucial date 11.03.2002, he was above 45 years. Even after giving relaxation of 5 years, the upper age limit for the post of Lecturer is only 40 years and on the crucial date of selection he was above 43 years. The learned counsel submitted that because of the age criteria, the petitioner was not considered for the post of Lecturer and he was also properly informed about his non-selection and there was no disobedience of the order of this court and this contempt petition has to be dismissed.

5. Admittedly, the petitioner filed Writ Petition No.976 of 2004 against the respondents and after hearing both sides, this court passed the order on 03.01.2011 and directed the respondents to consider the case of the petitioner for appointment to the post of Lecturer in the Department of Pathology within a period of four weeks and thereafter, the petitioner has filed this contempt

petition stating that the respondents has not complied with the order.

6. As rightly stated by the learned counsel appearing for the 2nd respondent, on the crucial date of selection viz., 11.03.2002, the petitioner was above 40 years and therefore, he was not selected. Therefore, under these circumstances, this court does not find any disobedience of the order passed by this court. There is no merit in the contempt petition. Accordingly, the contempt petition is dismissed.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

nvsri

//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/30.12.2020

To

1.The Chief Secretary-cum-Chairman
Mahatma Gandhi Dental College and Hospital
Puducherry-605 001

2.The Principal
Mahatma Gandhi Dental College and Hospital
Puducherry-605 006

3.The Registrar
Mahatma Gandhi Dental College and Hospital
Puducherry-605 006



WEB COPY