



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2020

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THE HONOURABLE MR.JUSTICE N.SESHASAYEE

C.R.P. (MD) No.940 of 2020

Ashok

... Petitioner/Appellant/Petitioner/
Petitioner/Plaintiff

-Vs-

1.Rev. J.J.Christdoss

2.Dr.John Kennedy

3.Dr.Usha Godwin

4.J.Merriton Monickaselvam

5.The Director of Collegiate Education,
College Road,
Chennai-6.

6.The Joint Director of Collegiate Education,
Rani Anna Government Arts College,
Gandhi Nagar, Tirunelveli.

..Respondents/Respondents/Respondents/
Respondents/Defendants 1-3, 18, 35 &36

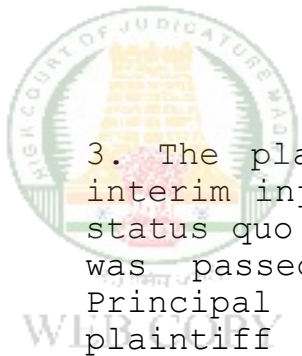
Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 26.02.2020 passed in C.M.A.No.6 of 2018 on the file of the I Additional District Judge, Tirunelveli, confirming the fair and decreetal order dated 12.01.2018 passed in I.A.No.511 of 2017 in I.A.No.493 of 2016 in O.S.No.205 of 2016 on the file of the Principal Subordinate Judge, Tirunelveli and allow the present Civil Revision Petition.

For Petitioner : Mr.M.Saravanan

ORDER

The present revision petition is filed by the plaintiff in O.S.No.205 of 2016, who approached this Court having felt aggrieved by the successive orders of the Courts below dismissing his I.A.No.511 of 2017 for initiating contempt for violating the order of an interim injunction passed in I.A.No.493 of 2016.

2. The suit is laid challenging the appointment of the first defendant as the Correspondent, and the second and third defendants as Principals of St.John's College and Sarah Tucker College, Tirunelveli and for declaration that the appointment of other defendants is unauthorized and invalid.



3. The plaintiffs also moved I.A.No.493 of 2016 for an order of interim injunction, in which the trial Court has passed an order of status quo not to appoint teaching or non-teaching staff. This order was passed on 10.01.2017. Subsequently, on 21.04.2017, the Principal of the college was appointed by promotion. Since the plaintiff felt aggrieved by the violation of the interim order passed by the trial Court, it moved the same Court with I.A.No.511 of 2017 for initiating an action under Order 39 Rule 2A CPC. That was dismissed and the said dismissal order was challenged before the first appellate Court in C.M.A.No.6 of 2018, wherein it met with the same result.

4. It appears that the respondents/alleged contemnors have taken up the contention that it is a simple order of status quo which pertains to teaching staff and the Principal belongs to non-teaching staff, and there is no clarity as to the nature of the order passed and hence, the Principal was appointed.

5. The learned counsel for the revision petitioner would argue that if the respondents find any difficulty in understanding the true merit of the order of status quo, in fitness of things, they should have approached the trial Court for clarification. It is not given to them to interpret the order in a way they want to understand. He submitted that the respondents are in contempt of the interim order of the trial Court.

6. This Court carefully perused the order of the first Appellate Court in C.M.A.6 of 2018, which is now impugned before this Court. In substance, the first appellate Court has only granted benefit of doubt to the contemnor, since the order which is said to have been violated is capable of dual understanding.

7. Prima facie this is one plausible view and therefore, this Court does not want to consider the same as an order passed in breach or propriety or one made in violation of any law. Since the suit itself is pending from 2016, wherein the legality of the appointment of certain teaching and the Correspondent, as the case may be, it is important in the interest of the colleges concerned, not to have Democles' sword hanging over their affairs perennially. Secondly, the dispute such as this, invariably lead to the formation of a strong groupism, which may lead to vertical and horizontal division among those Associations in running of the College. This may not be in the best interest of the students of the College. Therefore, this Court directs the trial Court to dispose of this matter, within a period of five months at any rate not later than 30.04.2021. The revision petitioner herein is directed to cooperate with the trial of the suit.



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8. This Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ta/Cm

To:

1.The Additional District Judge,Tirunelveli.

2.The Principal Subordinate Judge, Tirunelveli.

+1CC to Mr.R.Subramaniyan,Advocate, SR.No.23773 dated 03/12/2020

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02.12.2020

CK (CO)

KB (07.01.2021) 3P 4C