



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

Cont.P.(MD)No.1637 of 2019

in

W.P.(MD)No.14361 of 2015

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1.The Secretary,
Fathima College (Autonomous),
Mary Land,
Madurai - 018.

2.Dr.J.E.Sangeetha

3.S.Priti Latha

4.Dr.N.Shanti

5.R.Hemalathaa ... Petitioners
(Petitioners 2 to 5 are impleaded vide order
dated 17.07.2020 made in Sub.A.(MD)Nos.85 to
88 of 2020 in Cont.P.(MD)No.1637 of 2020)

Vs

1.C.Jothi Venkateswaran,
The Director of Collegiate Education,
College Road,
Chennai - 600 006.

2.R.Baskar,
The Joint Director of Collegiate Education,
Madurai - 625 020,
Madurai District.
Now at Palam Station Road,
Madurai - 625 002.

... Contemnors

PRAYER: Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondents herein for their deliberate and willful disobedience of the order passed by this Court dated 17.01.2018 in W.P.(MD)No.14361 of 2015.

Prayer in WP(MD). 14361 of 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ, order or direction in the nature of a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by 3rd respondent Joint Director in Na.Ka.No. 7687/21/2015 dated 09.04.2015, Quash the same, and further Direct him to approve forthwith the 33 teaching Staff (Name List annexed) appointed in the



petitioner's college and disburse the grant-in-aid towards their salaries and allowances w.e.f the respective dates of their appointment, and pass such further or other suitable order / orders as this Honble Court.

For Petitioners : Mrs.A.Amala

For Respondent : Mrs.S.Srimathy,
Special Government Pleader.

ORDER

The Management of Fathima College filed W.P.(MD)No.23134 of 2017 for directing the department to approve the appointments made by them. The said writ petition was taken up along with other writ petitions and by common order dated 17.01.2018, the writ petitions were allowed. Alleging that the order passed by this Court was not complied with, the college management filed Cont.P.(MD)No.453 of 2019. The contempt petition was closed 12.09.2019, since there was substantial compliance of the order passed by this Court. It was seen that though proposal was given for 33 persons, department not only approved the appointment of 25 persons but also released the grant-in-aid towards their salaries. However as regards the remaining persons, the department took the stand that it is not possible to grant approval. Therefore, this Court while closing the contempt petition gave liberty to the aggrieved individuals to move this Court again. Availing the said liberty, this contempt petition came to be filed.

2.When the matter was taken up for hearing, the learned Special Government Pleader appearing for the department submitted that the candidates in question had left service long back. Dr.J.E.Sangeetha was terminated by the management on 28.04.2014. Mrs.S.Priti Latha resigned her service on 31.05.2013. Mrs.R.Hemalathaa as well as Dr.N.Shanti resigned from their employment on 04.10.2013 and 24.01.2014 respectively. Therefore, the department's stand is that it is not possible to grant approval in their cases.

3.I do not want to go into the merits of the matter. The department can be held to have committed contempt only if the disobedience is wilful. In this case, a triable issue has been raised for consideration by the department. I am therefore of the view that contempt petition will not lie. However, the aggrieved individuals can file an independent writ petition to agitate their claims. I make it clear that the closure of this contempt petition will not come in the way of the aggrieved individuals from agitating their claims.



4. With this observation and liberty, the contempt petition is closed.

Sd/-

Assistant Registrar (CS-II)

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// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Ias

To:

1. The Director of Collegiate Education,
College Road, Chennai - 600 006.

2. The Joint Director of Collegiate Education,
Madurai - 625 020, Madurai District.
Now at Palam Station Road,
Madurai - 625 002.

+1 CC to SPL.GP (SR-2594[F] dated 23/01/2020)

+1 CC to M/s.A.AMALA, Advocate (SR-2730[F] dated 24/01/2020)

Cont.P. (MD)No.1637 of 2019

in

W.P. (MD)No.14361 of 2015

01.09.2020

VB (11.09.2020) 3P 5C