



Cont.P.No.188 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 01.04.2021

CORAM :

The Hon'ble Mr.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SENTHILKUMAR RAMAMOORTHY

Contempt Petition No.188 of 2021

C.Lokesh,
No.42, Kogam Pallayam,
Gangapuram Village,
Sithode Post,
Erode District

.. Petitioner

-VS-

- 1.Thiru.A.Karuppasamy
Director of School Education,
DPI Compound, Chennai 600 006.
- 2.Thiru.R.Murugan
Chief Educational Officer,
Erode.
- 3.Thiru.K.Palani
District Educational Officer,
Erode.
- 4.Tmt.Kalaiselvi,
Assistant Elementary Educational Officer,
Now Block Development Officer,
Bhavani, Erode District.
- 5.Thiru.S.Sivapalanivel
Nethaji Aided Elementary School,
Koolikaranpalayam, Varadhanallur Post,
Bhavani Taluk, Erode District.

.. Respondents



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Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondents for wilfully disobeying the common order passed in W.P.No.1432 of 2014 dated 24.01.2017.

For Petitioner : Mr.S.N.Ravichandran

For Respondents : Mr.C.Munusamy
Spl. Govt. Pleader

ORDER

(Made by Senthilkumar Ramamoorthy, J.)

The petitioner alleges wilful disobedience of the common order dated 24.01.2017 in a batch of writ appeals and writ petitions and the present contempt petition is filed by the writ petitioner in W.P.No.1432 of 2014.

2. The petitioner asserts that he was entitled to payment of salary in terms of the directions in paragraph 42 of the order dated 24.01.2017.

Clause (ii) of paragraph 42 is relevant and the same is set out below:

“(ii) Till the results are published, the Government shall pay the salary to the Teachers, who are in service of the aided institutions, for the services rendered by them and in the cases where salary was not paid the same shall be paid along with arrears, if any, forthwith.”



3. Learned Special Government Pleader states that the order of the

Division Bench would not come to the aid of the petitioner because the petitioner was removed from service by a written communication of the Additional Assistant Primary Educational Office, Bhavani, dated 21.04.2014. Inasmuch as the said communication of removal from service pre-dates the order dated 24.01.2017, learned Special Government Pleader states that the petitioner was clearly not in the service of the relevant institution as on the date of the order.

4. Learned counsel for the writ petitioner states that this was disclosed in the affidavit filed in support of the contempt petition at paragraph 4. Notwithstanding such disclosure, the only question that arises for consideration in this petition is whether there was disobedience of the order dated 24.01.2017 and if so, whether such disobedience was wilful. On examining paragraph 42 (ii) of the order, it is clear that salary is payable in terms thereof to teachers who were in the service of the aided institutions as on the date of the order. In the light of the admitted position that the petitioner was removed from service in the year 2014, there was no obligation imposed on the State to pay the salary of the petitioner. Consequently, no case of contempt is made out.



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As a result, Contempt Petition No.188 of 2021 is closed by dropping
the contempt proceedings.

SD/-
ASSISTANT REGISTRAR(COMM.CASES)

sra

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

from 25th day of September 2008 the Registry is issuing Certified copies of
the Orders/Judgments/Decrees in this format.

GS/21/05/2021

To

- 1.The Director of School Education,
DPI Compound, Chennai 600 006.
- 2.The Chief Educational Officer,
Erode.
- 3.The District Educational Officer,
Erode.
- 4.The Assistant Elementary Educational Officer,
Now Block Development Officer,
Bhavani, Erode District.