

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED : 19.02.2021****CORAM****THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH****Contempt Petition No.421 of 2020**
and Sub Application No.232 of 2020

O.Shakeel Ahmed

Petitioner

vs.

Mr.M.Nisar Ahmed
The Correspondent,
Islamiah Higher Secondary School,
Pernampet, Vellore District.
Pin: 635 810

Respondent

PRAYER: Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondent for willfully disobedience of the order of this Court in W.P.No.34018 of 2019, dated 06.01.2020.For Petitioner : Mrs.Hemalatha for
Mr.C.PrakasamFor Respondent : Mr.B.Nedunchezian
Standing Counsel

सत्यमेव जयते

ORDER

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This Court while disposing of the writ petition directed the respondent School to process the papers of the petitioner and send the same for the approval for the 2nd respondent.

2.A counter affidavit has been filed by the respondent. The relevant portions in the counter affidavit are extracted hereunder:

6.It is submitted that thus he only has M.A. in Economics by correspondence and B.Ed also only in the cross major subject of Computer Science. Thus, the petitioner is not qualified for appointment to the Post of PG Assistant Economics. Further, to compound the problem he has not even produced his B.A. in Economics Degree Certificate. The Mark sheet produced by him for his B.A and M.A in Economics reveal the fact that he has undergone B.A and M.A Economics simultaneously during the academic year December 2016. Thus it is submitted that the petitioner is not at all qualified for seeking appointment to the post of PG Assistant Economics. It is submitted that as a matter of fact the petitioner was fully aware of the fact that he is not qualified for appointment to the post of PG Assistant and hence on the earlier occasion filed writ petition before this Hon'ble Court in W.P.No.26010 of 2018 wherein the petitioner had only sought for post of Vocational Instructor.

7.It is submitted that admittedly the petitioner does not possess B.A in Economics. Thus admittedly he has only a cross major and further has undergone his education only through correspondence.

8.It is submitted that in the interest and welfare of the students in order to ensure that a qualified teacher is appointed, this Respondent appointed one Mr.Riyaz Ahmed who is qualified with B.A. Economics and M.A. in Economics as P.G. Assistant Economics with effect from 1.08.2019 and the same has also been approved by the official Respondent herein.

9. It is submitted that unfortunately this respondent could not appear before this Hon'ble Court to bring the afore referred fact to the notice to this Hon'ble Court during the pendency of the writ petition. It is submitted that this Hon'ble Court was pleased to come to the conclusion that the respondent School is a minority School has the power to appoint and regulate the conditions of services of the Teachers of the School. Therefore, this Hon'ble Court specifically came to a conclusion no relief can be granted to the petitioner and accordingly this Hon'ble Court gave a direction to the Respondent to process papers and to forward the same to the official Respondent in accordance with law.

10. It is submitted that this Respondent processed the papers and concluded that the petitioner is not qualified for appointment to the Post of PG Assistant Economics being a cross major and having undergone his education in correspondence and accordingly intimated the same vide letter dated 22.02.2020 to the Chief Educational Officer. It is submitted that the said letter has been sent in obedience and compliance of the orders of the Hon'ble Court in W.P.No.34018 of 2019 dated 06.01.2020.

3. It is clear from the counter affidavit and the typed set filed along with counter affidavit that the respondent did not recognize the qualification of the petitioner and they have already appointed a qualified teacher with effect from 01.08.2019. Pursuant to the orders passed by

N. ANAND VENKATESH, J.

SSR

this Court, the respondent has also sent a communication to the authority on 23.01.2020 and 22.02.2020.

4.In view of the above, no further orders can be passed in this contempt petition and accordingly this contempt petition is closed. Consequently, connected sub application petition is closed.

19.02.2021

Index : Yes/No
 Internet : Yes/No
 Speaking Order/Non-Speaking Order
 SSR

To

1. The Correspondent,
 Islamiah Higher Secondary School,
 Pernampet, Vellore District.
 Pin: 635 810
2. The Public Prosecutor,
 High Court, Madras.

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