



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2021

CORAM:

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

Cont.P. No.1430 of 2021

S.Akila

38, Adi Dravidar Street, Ethapur Village & Post-636117
Pethanayakanpalayam Taluk, Salem District

.. Petitioner

Vs.

1. C.Kamaraj,
The Director,
Department of Backward Classes and
Most Backward Classes and Minorities Welfare,
Chepauk, Chennai – 600 005.

2. S.Karmegam
The District Collector,
Salem District, Salem 636 001.

3. V.Pandarinathan,
The District Backward Classes and
Minorities Welfare Officer,
Salem District,
Salem.

.. Respondents

Contempt Petition filed under Section 11 of the Contempt of Courts Act, to
punish the respondents for wilfully disobeying the orders passed in W.P.

No.13117 of 2021 dated 23.06.2021.



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For Petitioner : Mr. J.Jayamalan

For Respondents : Mr. V.Veluchamy
Additional Government Pleader

O R D E R

This Contempt Petition is filed alleging wilful disobedience of the order passed in W.P. No.13117 of 2021 dated 23.06.2021.

2. Earlier the petitioner filed a writ petition for issuance of a writ of mandamus directing the respondents to pass final orders for selection to the post of Cook in pursuant to the notification dated 06.09.2020, issued by the second respondent in the writ petition. This Court, by order dated 23.06.2021, disposed of the writ petition with the following direction :

“... 3. Having regard to submissions of the learned counsel for the petitioners, this Court is inclined to dispose of the writ petition with a direction to the respondents to consider the representations of the petitioners. Accordingly, this Court directs the respondents to consider the petitioners representations dated 10.05.2021 and 03.05.2021 respectively, and dispose of the same on merits and in accordance with law, and take appropriate action after completing the process of selection as expressed by the respondents in their communication dated 13.05.2021, within a period of twelve weeks

from the date of receipt of a copy of this order.”



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3. Pursuant to the order passed by this Court, the petitioner submitted few representations on various dates to comply with the direction of this Court. In response to several representations of the petitioner, the first respondent vide his communication dated 28.09.2021, gave a reply to the petitioner that the filling up of the post of Cook is temporarily withheld due to Corona Pandemic and that appointment will be made based on merits and as per roaster, in the near future. Even thereafter the third respondent, by his subsequent communication dated 26.11.2021, informed the petitioner about the action to be taken on the representation of the petitioner.

4. Though the learned counsel for the petitioner submitted that the communication dated 26.11.2021 has not yet been passed on to the petitioner, the counsel is unable to demonstrate how the respondents have wilfully disobeyed the order of this Court. Withholding the appointment for sufficient reason cannot be treated as a wilful conduct. Since the selection of candidate is temporarily stopped due to Covid Pandemic, this Court is unable to find any wilful negligence or disobedience in this case to punish the respondents for committing contempt.



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5. Accordingly, this Contempt Petition is dismissed. No costs. Since this Court has not expressed anything on merits of the petitioner's candidature, it is open to the petitioner to give further representation requesting the respondents to consider her candidature along with others.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

bkn

//Certified to be true copy//

Dated at Madras this the day of 2022.

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/01/02/2022

To

- 1.The Director,
Department of Backward Classes and
Most Backward Classes and Minorities Welfare,
Chepauk, Chennai – 600 005.
2. The District Collector,
Salem District, Salem 636 001.
- 3.The District Backward Classes and
Minorities Welfare Officer,
Salem District,
Salem.