



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Contempt Petition Nos.217 and 218 of 2017

The Manager,
The Roman Catholic Schools,
Salem Diocese Society,
(Salem & Namakkal District)
Mary Palace, No.63 Thammannan Road,
Salem 636 009.

... Petitioner
in Cont.P.Nos.217 & 218/2017

Vs.

1.Mrs.D.Sabitha
The Secretary to Government of Tamilnadu,
Department of School Education,
Fort St.George,
Chennai 600 009.

2.Thiru.S.Kannappan
The Director of School Education,
College Road,
Chennai 600 006.

3.Mrs.A.Gnanagowri,
The Chief Educational Officer,
District Collectorate Campus,
Salem 636 001.

4.Thiru.Shankaranarayanan,
The District Educational Officer,
A.R.Lines School Campus,
Salem 636 007.

..Respondents
in Cont.P.Nos.217 & 218/2017



COMMON PRAYER: Contempt Petitions filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondents herein for their willful and deliberate disobedience and defiance of the Order of this Hon'ble Court dated 27.04.2012 in Writ Petition Nos.19164 & 17212 of 2009, under Article 215 of the Constitution of India r/w Sections 2(b) & 12 of the Contempt of Courts Act 1971, and close the breach thereof.

For Petitioner : Mr.P.Godson Swaminath
(Both Contempt Petitions)

For Respondents : Mr.A.Selvendran
(Both Contempt Petitions) Government Advocate

COMMON ORDER

These Contempt Petitions have been filed to punish the respondents for the contempt of order of this Court made in W.P.Nos.17212 and 19164 of 2009 dated 27.04.2012.

2.The proceedings of the Chief Educational Officer, Salem dated 11.08.2021, has been placed before this Court.

3.The learned counsel for the petitioner submitted that the proceedings dated 11.08.2021, goes against the spirit of the direction issued by this Court in paragraph 28 and particularly sub para 3 of paragraph 28. The learned counsel submitted that this Court had directed the sanction of additional posts if qualified teachers are appointed and they are eligible to get the sanction and arrears of salary



from the date of the appointment of the teachers. The learned counsel submitted that the proceedings of the CEO dt.11.08.2021, is made effective prospectively and whereas the schools are entitled for the sanction from the date of appointment. The learned counsel further submitted that the deployment of the teachers has also been done by transferring the teachers from among the schools which are coming under the same management.

4.In the considered view of this Court, the grievance expressed by the petitioners can only be independently agitate by way of filing a fresh writ petition and the same cannot be decided in these contempt petitions. If the petitioners are aggrieved by the proceedings of the CEO dated 11.08.2021, liberty is granted to the petitioners to challenge the same by filing fresh writ petition and workout their remedy in the manner known to law.

5.In view of the above, these contempt petitions are closed.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

kp

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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To

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