



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.04.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Cont.P(MD)No.339 of 2021
in
W.P(MD)No.3608 of 2018

N.Prema

...Petitioner/Petitioner/Petitioner

vs.

1.Dheeraj Kumar,
The State of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Fort St. George, Chennai - 600 009.

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

3.Suganya,
The Joint Director of School Education (Vocational),
College Road, Chennai - 600 006.

4.Swaminathan,
The Chief Educational Officer,
Madurai District, Madurai.

5.Valarmathi,
The District Educational Officer,
Madurai District, Madurai.

6.Iyer, Head master,
Velliveethiyar Corporation,
Girls Higher Secondary School,
Ponnagaram,
Madurai - 625 016.

... Respondents/Contemnors/Respondents

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondents for the contempt of Court committed by them for wilful disobedience of the order dated 02.12.2019 made in W.P(MD)No.3608 of 2018 and W.M.P(MD)No.3739 of 2018.



Prayer in WP(MD) No.3608/2018:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to regularize the service of the petitioner as Vocational Instructor in the sixth respondent school namely, Velliveethiyar Corporation Girls Higher Secondary School, Ponnagaram in terms of G.O.Ms.No.35, School Education (V.1) Department dated 09.02.2007 with salary and all attendant benefits.

For Petitioner : Mr.E.Somasundaram

For Respondents : Mrs.S.Srimathy
Special Government Pleader

ORDER

Alleging that the order of this Court in W.P(MD)No.3608 of 2018, dated 02.12.2019, has not been complied with, the petitioner has come up before this Court with this Contempt Petition.

2.The learned Special Government Pleader appearing for the respondents submitted that the order passed by this Court has been complied with by the fourth respondent, vide proceedings in Na.Ka.No.5731/E4/2018, dated 31.01.2020.

3.However, the learned counsel appearing for the petitioner refuted the same and made various submissions on merits. He has also filed the proceedings of the fourth respondent, dated 31.01.2020, in the typed set of papers.

4.From the order of this Court, it is seen that this Court by order, dated 02.12.2019, passed the following order in W.P(MD) No.3608 of 2018 and the same reads as follows:-

"4. At this juncture, this Court wants to mention here that whenever representation of this nature is made to the statutory authority for redressing the claim of the petitioner, there shall be a duty cast upon the concerned respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. Such an inaction would amount to dereliction of duty and thereby this court would be justified in invoking its extraordinary power under Article 226 of the constitution of India and to direct the concerned authorities to consider the representation, within the stipulated time.

5.Moreover, considering the nature of relief sought for in the Writ petition, this Court directs the



respondents to consider the representation of the petitioner dated 15.06.2017, on merits and pass appropriate orders, in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ petition is disposed of. No costs. Consequently, connected Miscellaneous petition is closed."

5. In view of the above, the respondents have considered the representation of the petitioner, dated 15.06.2017 and rejected the same. Hence, the petitioner is not entitled to make any submissions on merits in the Contempt Petition. If the petitioner is so aggrieved, it is open to her to challenge the said order in accordance with law.

6. With the above observations, this Contempt Petition is closed. No costs.

Sd/-

Assistant Registrar(Records)

//True copy//

/ /2021

Sub Assistant Registrar

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1. The Secretary,
State of Tamil Nadu,
Department of School Education,
Fort St. George,
Chennai - 600 009.
2. The Director of School Education,
College Road,
Chennai - 600 006.
3. The Joint Director of School Education (Vocational),
College Road,
Chennai - 600 006.
4. The Chief Educational Officer,
Madurai District, Madurai.



5.The District Educational Officer,
Madurai District,
Madurai.

6.The Head Master,
Velliveethiyar Corporation,
Girls Higher Secondary School,
Ponnagaram, Madurai - 625 016.

+1CC to THE SPECIAL GOVERNMENT PLEADER(SR-17508[F] dated 26/04/2021)

Order made in
Cont.P(MD)No.339 of 2021 in
W.P(MD)No.3608 of 2018
23.04.2021

PS
SRS/24.05.2021/4P/8C