



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:08.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cont P(MD).No.564 of 2020

in

WP(MD)No.11013 of 2016

A.Arockia Rajeswari

... Petitioner/Writ Petitioner

Vs.

Mrs.Vasantha

The District Educational Officer,

Thoothukudi District,

Thoothukudi.

... Contemnors/2nd Respondent

Prayer: Contempt Petition is filed under Section 11 of Contempt of Courts Act, to punish the contemnors/2nd respondent herein for wilful and deliberately committing contempt of Court by disobeying the order of this Court passed in W.P(MD)No.11013 of 2016, dated 05.08.2019.

Prayer in WP(MD). 11013/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the proceedings of the impugned order in O.Mu.No.5518/A4/2015 dated 03.11.2015 on the file of the 2nd Respondent and quash the same as illegal and further directing the Respondents 1 & 2 to accept the proposal from the 3rd Respondent for petitioners appointment as PG Assistant in the 3rd Respondent School and approve the same.

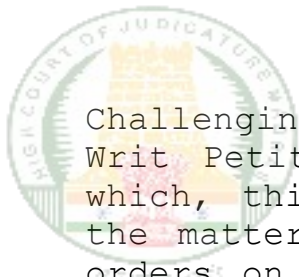
For Petitioner : Mr.T.A.Ebeneser

For Respondents : Mrs.S.Srimathy
Special Government Pleader

O R D E R

For non-compliance of the order of this Court, dated 05.08.2019, passed in W.P(MD)No.11013 of 2016, this Contempt Petition is filed.

2.The learned counsel appearing for the petitioner submitted that on an earlier occasion, proposal for approval of the petitioner's appointment was rejected by the respondent on the ground that a civil suit is pending against the petitioner.



Challenging the said rejection order, the petitioner has filed a Writ Petition in W.P(MD)No.11013 of 2016 before this Court, in which, this Court quashed the impugned order and remanded back the matter to the second respondent to consider afresh and pass orders on merits and in accordance with law, after affording an opportunity of hearing to the writ petitioner as well as the fifth respondent therein. Since the petitioner's request was not considered even after the order of this Court, the present contempt petition came to be filed.

3.Per contra, the learned Special Government Pleader appearing for the respondent would submit that this Court issued a direction to the respondent to consider the petitioner's representation afresh and pass appropriate orders and in compliance of the same, the petitioner's representation was considered on 26.09.2019 and the same was rejected.

4.Considering the fact that on an earlier occasion, this Court has not passed any positive direction in favour of the petitioner, this Contempt Petition is closed. However, liberty is granted to the petitioner to work out his remedy in the manner known to law.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To
The District Educational Officer,
Thoothukudi District,
Thoothukudi.

+1 CC to SGP (SR-4230[F] dated 10/02/2021)

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KM (04.03.2021) 2P 3C