



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2021

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cont. P (MD)No.696 of 2020

in

W.P (MD)No.3837 of 2018

The Principal & Secretary
Lady Doak College,
Madurai-625 002,
Madurai Dist.

... Petitioner

Vs.

Baskaran
The Joint Director of Collegiate Education,
No.268, Palam Station Road,
Sellur, Madurai-625.

... Respondent

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondent / contemnor herein for his deliberate and willful disobedience of the order of this Court dated 23.02.2021 in Writ Petition (MD)No.3837 of 2018 under Article 215 of the Constitution of India read with Section 11 of the Contempt of Courts Act, 1971.

Prayer in WP(MD) . 3837/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by 3rd respondent Joint Director in O.Mu.1161/o3/2017 dated 24.03.2017, Quash the same, and further direct him to approve forthwith the appointment of J.Jeyamathi as Assistant Professor in History in the Petitioner s college and disburse the grant-in-aid towards her salary and allowances w.e.f. 20.06.2015.

For Petitioner

: Mr.Isaac Mohanlal
Senior Counsel

For Respondent

: Mrs.S.Srimathy
Special Government Pleader



O R D E R

Heard the learned Senior Counsel appearing for the petitioner and the learned Special Government Pleader appearing for the contemnor.

2. By order dated 23.02.2018, I had allowed W.P.(MD)No.3837 of 2018 filed by the petitioner College and directed the authority to approve the appointment of one J.Jeyamathi as Assistant Professor in the college with effect from 20.06.2015 and also disburse the salary and other monetary benefits without any delay.

3. Alleging that the order passed by this Court has not been complied with, this contempt petition has been taken out.

4. The respondent has filed an affidavit stating that on the date when the interview was held i.e., 27.05.2015, the petitioner had not obtained any doctorate. Actually, the petitioner had not only completed all the formalities, but also submitted the dissertation and what remain was only the formal issuance of the doctoral degree. In fact, the said degree was issued on 28.05.2015. The Jurisdictional University had also given qualification approval which will of-course relate back to the date of appointment.

5. The senior counsel also pointed out that the appointee has been in service for more than 5 ½ years and that therefore, it would be most inequitable to disturb her appointment at this point of time, more so when she has all the requisite qualification.

6. Though the submission made by the learned senior counsel appears to be highly persuasive, I must reluctantly note that I am not presently holding the service portfolio. It is also well settled that contentious issues cannot be gone into contempt proceedings. It appears that I had omitted to take note of this aspect of the matter, when I allowed the writ petition. Therefore, it is only just and proper that the order dated 23.02.2018 is recalled. The Writ Petition is restored to file. I recall the earlier order dated 23.02.2018 made in W.P.(MD)No.3837 of 2018. Nothing survives for consideration in Cont P.(MD)No.696 of 2020. The Contempt Petition is closed. Registry is directed to list the matter before the Hon'ble Judge holding service portfolio on 26.02.2021.

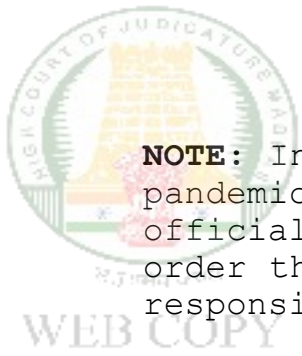
Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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
Baskaran
The Joint Director of Collegiate Education,
No.268, Palam Station Road,
Sellur, Madurai-625 002.

Copy To
The Section Officer, Writ Section,
Madurai Bench Of Madras High Court, Madurai.
(To List the matter on 26/02/2021)

+1 CC to M/s. ISAAC CHAMBERS, Advocate (SR-7026[F] dated 24/02/2021)

+1 CC to SPL GP (SR-7207[F] dated 25/02/2021)

Cont. P(MD)No.696 of 2020
in
W.P(MD)No.3837 of 2018

(NS)
KV(25.02.2021) 3P 5C