



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.10.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CONT.P.(MD)No.985 of 2021 IN

W.P.(MD)No.3201 of 2018

WEB COPY

Shanmuga Gomathi

... Petitioner / Petitioner

Vs.

Rajasekaran,

Secretary,

Meenakshisundaram Memorial Higher Secondary School,

Idaikal (via) Tenkasi,

Tenkasi District.

(Name of the respondent is amended

vide Order dated 20.09.2021)

... Contemnor / Respondent

Prayer: Contempt petition filed under Section 11 of Contempt of Courts Act 1971, to punish the respondent herein for his willful and wanton disobedience of the order passed by this Court in the above W.P.(MD)No.3201 of 2018 dated 16.03.2018.

Prayer in WP(MD). 3201/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus direct the 1st Respondent to promote the petitioner as Tamil Teacher.

For Petitioner : Ms.A.Banumathy

For Respondent : Mr.S.Mani

* * *

O R D E R

Contending that the order passed by this Court in W.P.(MD) No.3201 of 2018 has been breached, this contempt petition has been filed.

2. The contemnor has filed an affidavit justifying his stand.

3. The writ petition was filed by the petitioner for directing the school management to promote her. When the writ petition was taken up for hearing, the learned counsel appearing for the school management submitted before this Court that as and when the vacancy in the promotional post arises, the petitioner would be considered. The writ petition was disposed of on 16.03.2018. Thereafter, the management had issued a charge memo. Now the pendency of the disciplinary proceedings is said to be the reason for non-consideration of the petitioner for the promotional post.

4. I do not want to go into such contentious matters. Since the petitioner states that the undertaking given before this Court has been circumvented by initiating disciplinary proceedings, interest



of justice require that the order passed by this Court dated 16.03.2018 made in W.P.(MD)No.3201 of 2018 is recalled. This contempt petition is closed.

5. Registry is directed to list W.P.(MD)No.3201 of 2018 before the concerned Portfolio Judge, in view of the recall of the order earlier passed.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PMU

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:

The Secretary,
Meenakshisundaram Memorial Higher Secondary School,
Idaikal (via) Tenkasi,
Tenkasi District.

Copy To:-

1.The Registrar (Judicial),
Madurai Bench of Madras High Court,
Madurai.

2.The Section Officer,
Writ Section,
Madurai Bench of Madras High Court,
Madurai (for further posting)

+1 CC to M/s.S.MANI, Advocate (SR-31582[F] dated 07/10/2021)

CONT.P.(MD)No.985 of 2021 IN

W.P.(MD)No.3201 of 2018

07.10.2021

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