



WEB COPY

SUB A(MD). No.159 of 2021 in
Cont.P.(MD)No.1470 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Wednesday, the Eighth day of September Two Thousand and Twenty One
PRESENT

The Hon'ble Mr. Justice M.DURAI SWAMY

AND

The Hon'ble Mr. Justice K.MURALI SHANKAR

SUB A(MD) . No.159 of 2021

in

CONT P(MD).NO.1470 OF 2018

The Secretary,
Maipparai High School
Maipparai Post
Tiruvengadam Taluk-627 713
Tirunelveli District.

... Petitioner/Petitioner/Respondent

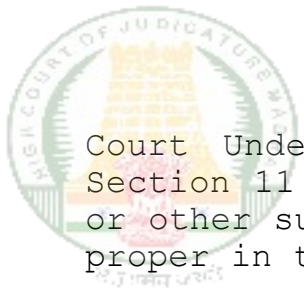
Vs

1. Deeraj Kumar
The Secretary
Department of School Education
The State of Tamil Nadu
Fort St. George Chennai-600 009.
2. S.Kannappan,
The Director of School Education
College Road Chennai-600 006.
3. S.Suganya,
The Joint Director of School Education
(Secondary Education) College Road
Chennai- 600 006.
4. M.Sivakumar,
The Chief Educational Officer
Tirunelvli
Tirunelveli District.
5. A.Ramasubbu,
The District Educational Officer
Sankarankoil Tirunelveli District. ...Contemnors.Contemnors/
Appellant.

Prayer in Sub A(MD).No.159 of 2021 :-

This Petition is filed Under Section 11 of Contempt of Courts Act, 1971/151 of CPC, To Re Open the Contempt Petition(MD). No.1470 of 2018 and punish the respondents herein for his deliberate and willful disobedience of the order of this Honble Court dated 27-06-2018 in Writ Appeal(MD).No.1201 of 2017 amounting to Contempt of

<https://hcservices.ecourts.gov.in/hcservices/>



Court Under Article 215 of the constitution of India read with Section 11 of the Contempt of Courts Act, 1971 and pass such further or other suitable Order/Orders as this Honble Court may deem fit and proper in the circumstances of the case, and thus render justice.

Prayer in Cont P(MD)No.1470 of 2018:-

This Petition is filed Under Section 11 of Contempt of Courts ACT, 1971, to punish the respondents herein for his deliberate and wilful disobedience of this order of this court dated 27.06.2018 in WA(MD).No.1201 of 2017 amounting of contempt of court under Section 11 of the Contempts of Court Act, 1971.

ORDER:- This Sub Application Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/s.K.Ragatheesh Kumar, Advocate for the Petitioner and of M/s.P.Thilak Kumar, Gover Pleader, for the respondents, this Court made the following order:

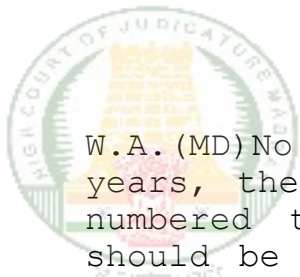
The petitioner has filed the above Sub Application to reopen the Contempt Petition in Cont.P(MD)No.1470 of 2018 and punish the respondents for their deliberate and wilful disobedience of the order of this Court, dated 27.06.2018 in W.A(MD)No. 1201 of 2017 amounting to contempt of Court.

2. When Cont.P(MD)No. 1470 of 2018 came up for hearing on 15.02.2019, the Division Bench of this Court closed the contempt petition based on the submissions made by the learned Counsel for the petitioner as well as the learned Special Government Pleader stating that the respondents have complied with the order passed in the writ appeal. The relevant portion of the order reads as follows:

"2.Both the learned Counsel for the petitioner as well as the learned Special Government Pleader appearing for the respondents submitted that the order passed by this Court in the above writ appeal has been complied with. The learned Special Government Pleader has also produced a communication of the fourth respondent, dated 09.02.2019, in proof of the same.

3. In view of the above submission and the communication produced in proof of the same, no further order is necessary in this Contempt Petition. Accordingly, the Contempt Petition stands closed. No costs. Consequently, connected Sub-Application is closed."

3. When the learned Counsel for the petitioner himself has stated that the respondents had complied with the order passed in



W.A.(MD)No.1201 of 2017, dated 27.06.2018, after a lapse of 2 ½ years, they cannot be allowed to say that the respondents had not numbered the review application till today and therefore, they should be punished. When the Contempt Petition was taken up for hearing, the learned Special Government Pleader had also produced a communication of the fourth respondent, dated 09.02.2019.

4. On a reading of the communication dated 09.02.2019, it could be seen that the said order was passed, subject to the result of the review petition in Review Petition S.R.No.41948 of 2018. Now the grievance of the petitioner is that the respondents have not numbered the review petition and brought it for admission before the Division Bench. Not numbering the review petition and not bringing the matter for admission is not a ground to reopen the Contempt Petition.

5. In such view of the matter, we do not find any merit in this Sub Application. Accordingly, this Sub Application is dismissed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SSL

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 Department of School
Education The State of Tamil Nadu Fort St.
George Chennai-600 009.

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

3.The Joint Director of School Education
(Secondary Education)
College Road

Chennai-600 006.
<https://hcservices.tn.nic.in/hcservices/>



4. The Chief Educational Officer
Tirunelveli
Tirunelveli District.

5. The District Educational Officer
Sankarankoil Tirunelveli District.

6. The Special Govt. Pleader,
Madurai Bench of Madras High Court, Madurai

ORDER DATED : 08/09/2021

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ORDER
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SUB A(MD) . No.159 of 2021
IN
CONT P(MD).NO.1470 OF 2018

Giving direction and etc.
as stated within.

GC(23.09.2021) 4P 7C