

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**FRIDAY, THE TWENTY FIFTH DAY OF JUNE
TWO THOUSAND AND TWENTY ONE**

PRESENT

THE HONOURABLE SRI JUSTICE P NAVEEN RAO

CONTEMPT CASE NO: 47 OF 2021

Contempt under Sections 10 to 12 of Contempt of Courts Act 1971 to summon the respondent personally and punish her for her wilful and negligent disobedience in implementing the orders Dated 21-05-2020 in WP No. 19533 of 2019.

Between:

N. Ravi, S/o. Sri N. Narayana, aged 41 years, PRT Teacher/Secondary Grade Teacher, CRPF School, Jawahar Nagar, Hakeempet, Ranga Reddy District. (now under Medchal Malkajgiri District) R/o. Type II, Block No. 60, Quarters No. 815, CRPF Group Centre, RR District/ Medchal Malkajgiri District.

.....PETITIONER

AND

Smt. I. Vijaya Kumari, The District Educational Officer, Near ORR, Keesara Mandal, Medchal, Malkajgiri District.

..... RESPONDENT

Counsel for the Petitioner: SRI. P B VIJAY KUMAR

Counsel for the Respondent: GP FOR SCHOOL EDUCATION (TG)

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

CONTEMPT CASE No.47 of 2021

ORDER:

This Contempt Case is filed alleging that directions issued by this Court in WP.No.19533 of 2019, dated 21.05.2020, are violated.

2. Taking note of the fact that appeal is already filed aggrieved by order of termination of service, by order dated 21.05.2020, writ petition No.19533 of 2019 was disposed of, directing the fourth respondent to pass orders in the appeal preferred by the petitioner on giving due opportunity to both parties within a period of eight weeks from the date of receipt of a copy of that order. The Court further ordered that till decision was made by the appellate authority and communicated to the petitioner, interim order granted by this Court on 18.09.2019 should continue. On 18.09.2019 the Court directed the respondents not to evict the petitioner from Quarter No.815/60, Block Type II GC, CRPF RRY.

3. Petitioner filed a copy of the order of District Educational Officer (DEO) in the form of letter dated 17.09.2020 addressed to the Principal, CRPF Public School, which contains decisions in purported compliance of the directions of this Court. The DEO accepted the contention of the petitioner that there was violation of the provisions of Sections 79 and 80 of Telangana State Education Act, 1982 (for short "the Act") and that the Management has not followed the procedure as required by law and remanded the matter to the Management with instructions to follow the procedure as required by Sections 79 and 80 of the Act, and pass

reasoned orders in the matter and accordingly, disposed of the appeal.

4. Learned Senior Counsel for petitioner sought to contend that the said order was passed without giving opportunity of hearing to the petitioner and therefore, the direction of this Court is violated. It is further contended that while accepting the contention of the petitioner that the provisions of Sections 79 and 80 of the Act are violated, he has not allowed his appeal nor declared the termination as illegal and as a consequence, the petitioner is not reinstated by the CRPF and other financial benefits are not paid to him.

5. There is merit in the contention of learned Senior Counsel that opportunity of hearing was not afforded to petitioner, but that aspect cannot be seen in isolation. It is seen from the order of D.E.O., that he has accepted the contention of the petitioner on violation of the provisions of Sections 79 and 80 of the Act, and remanded the matter to the employer. He has not made any adverse decision against petitioner affecting his right. In such an event, it is not open to the petitioner to contend that by not hearing the petitioner, the directions of the Court are violated and one more illegal order is passed by the respondent-D.E.O.

6. In the facts of the case, it is safe to assume that as decision was made in favour of the petitioner, the DEO may have felt that it was not necessary to hear the petitioner. An Officer can be held to have committed contempt of the order of the Court only if his actions are wilful and deliberate affecting the majesty of the Court. No doubt, as DEO was exercising statutory duties, appeal was

preferred against the termination of service by the employer, when the appellate authority was satisfied that the order of termination was not in compliance of the statutory provisions and decided to remand to the employer for fresh consideration, he ought to have stated that the order of termination is set aside and then issued further directions. In the facts of this case, the action of the DEO cannot be said as wilful and deliberate.

7. As fairly submitted by learned Senior Counsel, the petitioner is not evicted from the quarter. If employer of the petitioner has not reinstated him or has not paid the benefits as a consequent to the directions of the D.E.O., it is open to the petitioner to work out remedies as available in law. Since this is not the subject matter of contempt, it is open to the petitioner to work out his remedies, if employer is not taking consequential steps on remand holding the termination from the service was not validly made.

8. Contempt Case is closed, accordingly. Pending miscellaneous petitions, if any, shall stand closed.

SD/- M. RAMANA KRISHNA
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. Smt. I. Vijaya Kumari, The District Educational Officer, Near ORR, Keesara Mandal, Medchal, Malkajgiri District.
2. One CC to Sri. P. B. Vijay Kumar, Advocate [OPUC]
3. Two CCs to GP for School Education (TG), High Court for the State of Telangana. [OUT]
4. Two CD Copies
5. One Spare Copy

VM
TP

HIGH COURT

DATED: 25/06/2021

ORDER
CC.No.47 of 2021



CLOSING THE CONTEMPT CASE

⑦ VLW
12/7/21