



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Contempt Petition No.250 of 2022

N.Karthikeyan
No.2, Throwpathyamman Koil Street,
Mel Bhauvanagiri Taluk, Cuddalore District.
.... Petitioner/1st Respondent/Petitioner

vs

1.Kakarla Usha, IAS, Secretary
to Government, Education
Department, Secretariat,
Chennai-9.

2.K.Arivoli, Director of
Elementary Education,
DPI Campus, Chennai-6.

3.Tmt.S.Jackkulin Rosi,
Block Education Officer,
Additional Assistant Elementary
Educational Officer,
Bhuvanagiri Block,
Cuddalore District.

.. Respondents /Appellants 1,2
and 4/Respondents 1,2 and 4



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Prayer: Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish respondents 1 to 3 for willful disobedience of the judgment of this Court dated 14.7.2021 made in W.A.No.370 of 2021.

For Petitioner : Mr.A.Kumar
For Respondents : Mrs.Mythreye Chandru,
Special Government Pleader

ORDER

(Order of the Court was made by
the Hon'ble Chief Justice)

The contempt petition has been filed in reference to the judgment dated 14.07.2021 passed by the Division Bench wherein no direction has been given. Rather, the appeal preferred by the respondents was dismissed upholding the order of the learned Single Judge. Thus, if at all compliance is to be sought, it should be with regard to the order of the learned Single Judge and thus, contempt would be maintainable before the learned Single Judge.



2. The learned counsel for the petitioner submits that contempt petition was earlier preferred before the learned Single Judge, however, it was dismissed on account of the interim order passed in the appeal and thereupon, the appeal was dismissed by the Division Bench. Thus, the contempt petition has been filed before the Division Bench.

3. We do not find non-compliance of the judgment of the Division Bench because the judgment therein is only affirming the order of the learned Single Judge. The contempt is alleging non-compliance of the order of the learned Single Judge and thereby, the petition would be maintainable before the learned Single Judge.

4. Accordingly, the petitioner prays for withdrawal of the present contempt petition with liberty to maintain it before the learned Single Judge.

5. The prayer aforesaid is granted and otherwise, as per the observation of the Division Bench also, the contempt would be maintainable before the learned Single Judge now after the dismissal of the writ appeal.



The contempt petition is, accordingly, dismissed with the liberty
aforesaid.

SD/-
ASSISTANT REGISTRAR(COMM.CASES)

RS

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.

To

- 1.The Secretary to Government,
Education Department, Secretariat,
Chennai-9.
- 2.The Director of Elementary Education,
DPI Campus, Chennai-6.
- 3.The Block Education Officer,
Additional Assistant Elementary
Educational Officer,
Bhuvanagiri Block,
Cuddalore District.