



Cont.P.No.2562 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:01.12.2022

Coram

The HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

**Contempt Petition No.2562 of 2022
and Sub Application No.699 of 2022**

Sai Vihar Nursery and Primary School,
Rep. By its Founder & Correspondent
Dr.C.Kuppusamy,
Arisipalayam, Salem Urban Union,
Salem – 636 009.

.. Petitioner

Vs

- 1.Kakarla Usha
The Secretary,
Education Department,
St.George Fort, Chennai -600 009.
- 2.Arivozhi,
The Director,
Primary School Education,
Nungambakkam,
Chennai – 600 006.
- 3.Dr.R.Murugan,
The Chief Educational Officer,
Salem District, Salem.
- 4.Udaya Kumar,
The District Educational Officer,
Salem.



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5.M.Srinivasa
The Block Development Officer – 1,
Salem City, Salem.

.. Respondents

Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondents for not having complied with the order dated 12.08.2022 made in W.P.No.21112 of 2022 and W.M.P. Nos.20125 and 20126 of 2022.

For Petitioner	:	Mr.M.Selvam for M/s.C.Umashankar
For Respondents	:	Mr.S.Yashwanth Additional Government Pleader

ORDER

The petitioner has filed this contempt petition on the ground that the respondents have disobeyed the order dated 12.08.2022 passed by this Court in W.P.No.21112 of 2022 and W.M.P. Nos.20125 and 20126 of 2022.

2. This Court, in the aforesaid order, has made the following observation:



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"4.However, it is made clear that if it is brought to the notice of the respondents that schools are being run without recognition and without the DTCP approval in the Salem District, they have to initiate legal action against those schools also, as is done for the petitioner-School."

3. The aforesaid order is only an interim order. The writ petition is still pending. Subsequent to the passing of the interim order dated 12.08.2022 referred to supra, a counter affidavit has been filed by the third respondent in the main writ petition. In para 8 of the said counter affidavit, it has been stated as follows:

"8.With regard to the averments made in para 16 of the affidavit, it is humbly submitted that necessary actions have duly been initiated against the schools in Salem that run either without recognition or without DTCP approval. No prejudice has been shown toward any erring school in this regard. The petitioner has cited an RTI response by the District Educational Officer, Salem vide his letter dated 05.02.2021. All the schools yet to submit DTCP approval



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for recognition have been stipulated a deadline for submission of needed documents including DTCP. Every school has been personally called in for audition and they are vehemently insisted upon submitting needed documents for recognition. It is wrong on the part of the petitioner to state that he has been singled out on this condition. The mills of administration may grind slowly but steadily and evenly without any partisan attitude.”

4. As seen from the above, it is clear that the respondents have taken steps to initiate action against the schools in Salem which do not have DTCP approval. Admittedly, this contempt petition has been filed only for disobedience of the interim order. When the third respondent in the counter affidavit has categorically stated that the respondents are taking steps to take action against the schools in Salem which do not have DTCP approval, necessarily the petitioner will have to wait for the final outcome of the main writ petition.

5. For the foregoing reasons, after recording the statement made by the third respondent in para 8 of the counter affidavit which has been extracted supra, this Court is not inclined to entertain this



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contempt petition at this stage.

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6. In the result, the contempt petition is dismissed.

Consequently, connected sub-application is closed.

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Index:Yes/No
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ABDUL QUDDHOSE,J.

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