



Cont.P.Nos.387, 388 & 389 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

Cont.P.Nos.387, 388 & 389 of 2022

Islamiah Higher Secondary School,
Represented by its Correspondent,
Peranambut,
Vellore District.

...Petitioner in all Contempt Petitions

-Vs-

T.Sampath,
District Educational Officer,
Vellore District.

...Respondent in all Contempt Petitions

COMMON PRAYER: Contempt Petitions filed under section 11 of the Contempt of Courts Act to punish the respondent herein for the deliberate violation of the orders of the Court in W.P.No.11855, 11857 & 11862 of 2021 dated 07.12.2021

For Petitioner : Mrs.Dakshayani Reddy

For Respondent : Mr.G.Nanmaran



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COMMON ORDER

These contempt cases have been filed complaining the willful disobedience of the respondent in implementing the order dated 07.12.2021 in W.P.No.11855, 11857 & 11862 of 2021.

2. While allowing the writ petitions and setting aside the impugned orders therein, this Court directed the fourth respondent to process the proposal forwarded by the School in respect of the appointment of the teachers covered under the writ petitions and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of the order.

3. Complaining that the said order is not implemented by the respondent, the present contempt cases have been filed.

4. A counter affidavit has been filed wherein it is stated that they filed writ appeals against the order and after dismissal of the writ appeals, they preferred SLP and the same is pending and due to that reason, the order is not complied with.



5. Learned counsel for the respondent submits that the delay occurred in implementing the order of the Court for the reason stated in the counter affidavit and however, the order is complied with by issuing proceedings dated 24.06.2023, subject to the outcome of the SLP and requested the Court to accept the apology tendered by the respondent.

6. Having heard the submissions of the counsel and on perusal of the materials available on record, this Court is not satisfied with the contentions of the respondent that due to filing of Writ Appeal and due to filing SLP, they could not comply with the order of the Court. Mere pendency of Writ Appeal and SLP is not a ground for the respondent for not implementing the order of the Court. If any stay is granted by the Division Bench in writ appeal or by the Apex Court in SLP, then only, they can take such a ground. However, considering the fact that the order is complied with now, subject to the outcome of the SLP, some lenient view can be taken against the respondent.

7. This Court asked the respondent who is present before the Court about the delay in implementation of the Court order, he tendered unconditional apology for the delay caused and also gave an undertaking, to



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be more careful in implementing the orders of the court in future.

Considering the submission, in our opinion, the unconditional apology tendered by him is a bonafide and accordingly, it is accepted.

8. For the reasons stated above, these contempt cases are closed.

9. Consequently, connected Sub-Application is closed, if any.

27.06.2023

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Index:Yes/No

Neutral Citation : Yes/No



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BATTU DEVANAND, J.

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