



Cont.P.No.2819 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

Cont.P.No.2819 of 2022

D.Sahila Jancy

...Petitioner

Vs

C.Joseph Mohan,
The Correspondent,
C.S.I. Higher Secondary School
for the Deaf,
No.12, Santhome High Road,
Mylapore, Chennai - 600 004.

...Respondent

PRAYER: Contempt Petition filed under Section 11 of Contempt of Court Act, to punish the respondent for for their wilful and deliberate disobedience of the order of this Court passed in W.P.No.7030 of 2017 dated 27.07.2021.

For Petitioner : Mr.J.Selvarajan

For Respondent : Mr.G.Sankaran



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ORDER

The present contempt petition is filed seeking to punish the respondent for having committed contempt of Court by disobeying the order of this Court passed in W.P.No.7030 of 2017 dated 27.07.2021.

2. The order of the Writ Court in W.P.No.7030 of 2017 dated 27.07.2021 was a liberty granted to the petitioner to give a representation to the school management, seeking for reinstatement and the school management, in turn, was directed to forward the proposal to the State Commissioner of Commissionerate of the Differentially Abled, for revocation of the punishment and thereafter, the official respondent was directed to pass orders within a stipulated time.

3. Pursuant to such orders, it is stated that the petitioner had also given her representation, which was duly forwarded by the school management to the official respondent and in turn, the official respondent had also passed orders for reinstatement, but without back wages.



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4. It is stated that after the order of reinstatement, the school management had challenged the same before this Court in W.P.No.17932 of 2020, in which, an order of interim stay has been granted on 13.07.2022.

5. The learned counsel for the petitioner would submit that the order passed in the writ petition in W.P.No.7030 of 2017 was on the basis of an affidavit filed by the petitioner to the effect that the school management had undertaken to reinstate the petitioner without back wages and post her to some other school of their group. Since the subsequent order passed after the writ petition has now been challenged by the school management in W.P.No.17932 of 2022, the same amounts to disobedience.

6. I am not in agreement with such a submission made. Though the Writ Court had taken note of the affidavit filed by the petitioner with regard to the promise made by the school management for reinstatement, the direction was only with a liberty to the petitioner to approach the school management and the management was directed to send a proposal



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to the official respondent for taking a final call. All these directions have now been complied with, through the order dated 13.05.2022, by the official respondent.

7. If that be so, the averment that there is a disobedience of the Writ Court's order, cannot be said to be willful in nature. Accordingly, the contempt petition stands closed.

06.01.2023

Index:Yes/No
Internet:Yes/No
hvk

To
The Correspondent,
C.S.I. Higher Secondary School for the Deaf,
No.12, Santhome High Road,
Mylapore, Chennai - 600 004.



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M.S.RAMESH,J.

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