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Contempt Petition No. 212 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

Contempt Petition No. 212 of 2023

R.Jayanthi

... Petitioner

-VS-

1. Mrs. Shanthi IAS
The District Collector
Dharmapuri District
Dharmapuri.
 2. Mr. Ganesh
The Commissioner
Dharmapuri Panchayat Union
Dharmapuri.
- Respondents

...

Prayer:- Contempt Petition filed under Section 11 of the Contempt Court Act, 1971, to punish the Respondents for their willful disobedience of the order dated 10.10.2022 passed by the Hon'ble Court in W.M.P. No. 25804 of 2022 in W.P. No. 26748 of 2022.

For Petitioner	:	Mr. R.Ramesh Raja
For Respondents	:	Mr. S.Ravikumar (R1) Special Government Pleader
		Mr. T.K.Saravanan (R2) Government Advocate



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ORDER

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The Petitioner has filed Writ Petition in W.P. No. 26748 of 2022 challenging her transfer from Muthukoundan Kottai Panchayat Union Middle School, Dharmapuri to Athiyamman Boys Higher Secondary School, Dharmapuri by Proceedings in Na. Ka. No. 18319/2020/XS1 dated 04.08.2021 passed by the First Respondent.

2. It is contended by the Petitioner that despite the interim order dated 10.10.2023 passed in W.M.P. No. 25804 of 2022 in W.P. No. 26748 of 2022 staying the impugned order, the Respondents have pressurized and insisted the Petitioner to join the transferred place, which has necessitated the filing of this Contempt Petition.

3. This Court, has on 20.04.2023 (today) dismissed the said Writ Petition taking note of the settled legal position that an order of transfer, which is an incident of service cannot be interfered unless it is vitiated by *malafides* or which is in violations of statutory provision, which have not been established by the Petitioner in this case. In such circumstances, the question of prosecuting the Respondents for wilful disobedience of the interim order dated 10.10.2023



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passed in W.M.P. No. 25804 of 2022 in W.P. No. 26748 of 2022 passed by the

WEB COURT does not arise.

In fine, the Contempt Petition is closed. No costs.

20.04.2023

Maya

Index: Yes/No

Note: Issue order copy by 26.07.2023.

To

1. The District Collector
Dharmapuri District
Dharmapuri
2. The Commissioner
Dharmapuri Panchayat Union
Dharmapuri



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P.D. AUDIKESAVALU, J.

Maya

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