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Cont. P.No.2802 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.06.2023

Coram

The Hon'ble Mr.Justice Krishnan Ramasamy

Cont. P.No.2802 of 2022

Tmt. Dhanam
w/o Vignesh Kumar
No.101, Kuberan Nagar, 5th Street,
Madipakkam, Chennai – 600 091.

... Petitioner

Vs.

1. Dr.P.Senthil Kumar, I.A.S.,
Secretary to Government,
Health and Family Welfare Department,
Fort St. George, Chennai – 600 009.
2. Dr.A.Edwin Joe,
Director of Medical Education and Family Welfare Dept,
Kilpauk, Chennai.
3. Dr.A.Arumuga Velan,
Registered medical Officer,
Kanyakumari Government Medical College Hospital,
Asaripallam, Nagarcoil, Kanyakumari District.
4. Dr.A.Pragalathan,
Deputy Director, Medical Rural Development and
Family Welfare Department, Kanyakumari at Nagercoil.
5. The Chief Education Officer,
Office of the Chief Education Officer,
Kaniyakumari.
6. The Principal Secretary,
School Education Department,
Secretariat, Chennai – 9
(suo motu impleaded as sixth respondent as per the
order of this Court made in this Cont. Petition, dated 30.01.2023).

... Respondents



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Prayer : Contempt Petition filed under section 11 of Contempt of Courts Act, to punish the respondents for the wilful obedience of the order, dated 25.01.2022 passed in W.P.No.22349 of 2018.

For Petitioner : Mr.S.P.Sudalaiyandi
For Respondent : M/s.V.Yamunadevi
Special Government Pleader

ORDER

When this Contempt Petition is taken up for hearing, M/s.V.Yamunadevi, learned Special Government Pleader appearing for the respondent/Government submits that, in obedience to the direction issued by this Court, vide its order, dated 25.01.2022, the respondent/Government have made arrangements for education of the petitioner's third child by accommodating her (child) in a Private School as suggested by her petitioner (mother) upto 8th Standard. However, since the orders requires the respondent/Government to make arrangements for education of the petitioner's child till she attains 21 of years, the learned Special Government Pleader submits that respondent/Government would make suitable arrangements for providing educational facilities to the petitioner's child, in an appropriate time, and therefore, requests this Court to close the contempt Petition, granting liberty to the petitioner to open the same, in case, the respondent/Government does not comply with the direction issued by this Court.



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2. Heard Mr.S.P.Sudalaiyandi, learned counsel appearing for the petitioner on the aforesaid submission.

3. In view of the above submission/assurance given by the learned Special Government Pleader for the respondent/Government, this Court reposing trust and confidence on the assurance given by her, is inclined to close the Contempt Petition. Before doing so, this Court deems fit to mention here that, since the order passed by this Court, in W.P.No.22349 of 2018, dated 25.01.2022 is manifold in nature, (viz., i) to pay compensation of Rs.3,00,000/- to the petitioner, ii) to admit the petitioner's third child in a government or private school and to provide educational facilities to her till age of 21 and iii) to pay Rs.1.20 lakhs per year till she attains majority) and taking into consideration of the fact that the Hon'ble First Bench stayed only the third direction, this Court makes it clear that, if the petitioner is aggrieved by non-compliance of any of the directions issued by this Court, excluding the direction, which has been stayed by the Hon'ble First Bench, or, in the event, if the Writ Appeal filed by the Government is dismissed in whole, in future and the interim order of stay is lifted, the petitioner is at liberty to open the Contempt Petition.

4. With the above direction, the Contempt Petition is closed.

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Krishnan Ramasamy, J.,

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