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CONT.P.(MD)NO.75 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CONT.P.(MD)Nos.75 & 76 of 2023 in
W.P.(MD)Nos.21999 & 22000 of 2022

1. Nadar Mahajana Sangam
S.Vellaichamy Nadar College,
Rep. by its Secretary and Correspondent,
Nagamalai,
Madurai – 19. ... 1st Petitioner / 4th respondent

2. The Principal,
Nadar Mahajana Sangam
S.Vellaichamy Nadar College,
Nagamalai,
Madurai – 19. ... 2nd Petitioner / 6th respondent
in both petitions

Vs.

M.Dhanasekaran,
Associate Professor cum Head of the Department,
Mathematics Department,
Nadar Mahajana Sangam S.Vellaichamy Nadar College,
Nagamalai,
Madurai – 19. ... Contemnor / Petitioner
in Cont.P.(MD)No.75 of 2023

Dr.S.Subbulakshmi,
Associate Professor cum Head of the Department,
Department of History,
Nadar Mahajana Sangam S.Vellaichamy Nadar College,
Nagamalai,
Madurai – 19. ... Contemnor / Petitioner
in Cont.P.(MD)No.76 of 2023



Common Prayer: Contempt petitions are filed under Section 11 of the Contempt of Courts Act, to punish the contemnors / respondents for the act of contempt committed in willfully breaching their undertaking recorded in the orders of this Court passed in W.P.(MD)Nos.21999 and 22000 of 2022 dated 31.10.2022.

(in both Cont.Ps.)

For Petitioner : Mr.N.Dilip Kumar

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COMMON ORDER

Heard the learned counsel appearing for the petitioner college management.

2.The respondents herein, namely, Shri.M.Dhanasekaran and Dr.S.Subbulakshmi, are working as Assistant Professors in S.Vellaichamy Nadar College. The Joint Director of Collegiate Education, Madurai, directed the college management to take them back. The order passed by the Joint Director was put to challenge in W.P.(MD)No.20240 of 2022. The suspended staff filed writ petitiones questioning the suspension orders. Both the writ petitions were taken up



together and disposed of on 31.10.2022. By the time, when the writ petitions were taken up for disposal, two months period set out in Section 19(3) of Tamil Nadu Private Colleges (Regulation) Act 1976 had expired. Since the department had already directed the college management to take the suspended staff back, it was obvious that it was not inclined to extend by two more months. That apart, the tenure of the college committee had also expired. In these circumstances, the suspension orders were set aside. In order to protect the interest of the institution, the staff gave an undertaking before this Court. They undertook that they will abide by the eventual decision that may be taken by the academic council.

3. These contempt petitions have been filed on the footing that the staff have not adhered to the resolution of the academic council and it is in breach of undertaking given before this Court. The learned counsel would further contend that the staff had written to various authorities complaining that the academic council by insisting what is known as OBE approach is indulging in an act of illegality. Of course any undertaking given before this Court has to be honoured in



letter and spirit. But every breach of undertaking need not necessarily invite the wrath of this Court. If according to the college management, the conduct of the staff in question amounts to misconduct, it is always open to them to take appropriate action on merits and in accordance with law. If any action is taken, it will be tested entirely on its own merits. Exercise of contempt jurisdiction in this case is not warranted.

4. These contempt petitions stand closed.

23.01.2023

Index : Yes / No
Internet : Yes/ No

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G.R.SWAMINATHAN,J.



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CONT.P.(MD)NO.75 OF 2023

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CONT.P.(MD)Nos.75 & 76 of 2023

23.01.2023