



Cont.P.(MD)No.163 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2023

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

Cont.P.(MD)No.163 of 2020

V.Tharani

...Petitioner

/Vs./

1.Mr.Pradeep Yadav, I.A.S.,
The Secretary,
School Education Department,
Secretariat, Chennai.

2.Tmt.G.Latha, I.A.S.,
The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maligai,
DPI Campus, College Road,
Chennai – 6.

...Respondents

PRAYER:- Petition - filed under Section 11 of the Contempt of the Courts Act, 1971, to punish the respondents for willful disobedience of the order passed by this Court in Rev.Aplw.(MD)No.153 of 2019 dated 19.09.2019.

1/6



Cont.P.(MD)No.163 of 2020

For Petitioner : Ms.M.Anbarasi
for Mr.R.Jayaprakash
For Respondents : Mr.VR.Shanmuganathan

ORDER

(Order of the Court was made by **DR.ANITA SUMANTH, J.**)

Read this order in continuation and in conjunction with previous proceedings in the matter dated 12.07.2023, that reads thus:

“Despite statutory notice having been issued on 14.06.2023 to both the respondents and notice having been duly served, neither of the parties are present before this Court today.

2. Instead, the respondents have filed Sub Applications seeking dispense of their personal appearances. The affidavits do not set out any reason that would justify the prayers for exemption.

3. On the other hand, it is clear that there has been non-compliance of the orders passed in Writ Appeal as well as Review Application, both of which have been confirmed by the Hon'ble Supreme Court.

4. Mr.Pradeep Yadav, then Secretary to Government, School Education Department,



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Cont.P.(MD)No.163 of 2020

Secretariat, Chennai, states at para 7 of affidavit that he had been transferred from the aforesaid post in 2020 and is presently holding the post of Additional Chief Secretary to Government, Highways and Minor Ports Department.

5. In regard to the case of Mrs.G.Latha, then Chairman, Teachers Recruitment Board, a similar affidavit has been filed in Sub.A.(MD)No. 167 of 2023. The deponent states that she had been transferred from the aforesaid post in 2022 and is presently holding the post of Director, National Health Authority, Ministry of Health and Family Welfare, New Delhi.

6. This does not exonerate the respondents from non-compliance with order dated 19.09.2019 passed in Rev.Aplc.(MD)No.153 of 2019, confirmed by the Hon'ble Supreme Court on 29.04.2022.

7. This is all the more for the reason that the respondents have, before the Hon'ble Supreme Court in the hearing of the SLP filed challenging order dated 19.09.2019, conceded that the aforesaid order 'will also have to be implemented'. We thus find absolutely no ground made out justifying the prayer for exemption from personal appearance.

. 8. Incidentally, there is no whisper in regard to the reasons for the admitted delay in non-compliance. A compilation of documents is handed over while this order is being dictated that are stated to relate to such compliance. We are not inclined to look into those documents for the purpose of this present order, and only note that compliance, if at all, is post issuance of statutory notice on 14.06.2023.

9. That apart, the order directing their appearance has been passed on 14.06.2023. The



WEB COPY



Cont.P.(MD)No.163 of 2020

present Sub-Applications are dated 10.07.2023, just a day prior to their appearance. Thus, the approach of the respondents clearly does not indicate any seriousness having been devoted to this matter.

10. This Court reiterates the presence of the respondents on 14.07.2023 at 01.00 p.m., failing which their appearance will be secured and they will be produced before this Court.

11. Call at 01.00 p.m., on 14.07.2023.”

2. Today, Mr.Pradeep Yadhav, I.A.S., presently holding the post of Additional Chief Secretary to Government, Highways and Minor Ports Department, Chennai and Mrs.Latha, I.A.S., presently holding the post of Director, National Health Authority, Ministry of Health and Family Welfare, New Delhi, are present before this Court in compliance with order dated 12.07.2023. Their presence is noted.

3. Now, we advert to the aspect of compliance. There is, admittedly, rank non-compliance with the order passed in Rev.Aplc. (MD)No.153 of 2019 on 19.09.2019. In fact, the aforesaid order had been carried in appeal before the Hon'ble Supreme Court and while closing the Special Leave Petitions on 29.04.2022, the submission of the



Cont.P.(MD)No.163 of 2020

WEB COPY

learned counsel for the respondents therein, to the effect that the order dated 19.09.19 '*will also have to be implemented*' has been specifically noted.

4. The Chairman, Teachers Recruitment Board, Chennai, has filed an affidavit dated 10.07.2023, wherein after tendering an explanation for the delay, they confirm that the order in Review Application has been complied with on 10.07.2023. Learned counsel for the petitioner also accedes to the aforesaid position.

5. Recording the above, this contempt petition is closed.

[A.S.M.J.] & [R.V.J.]
14.07.2023

NCC :Yes/No
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WEB COPY



Cont.P.(MD)No.163 of 2020

DR.ANITA SUMANTH, J.

AND

R.VIJAYAKUMAR, J.

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TO:

- 1.Mr.Pradeep Yadav, I.A.S.,
The Secretary,
School Education Department,
Secretariat, Chennai.
- 2.Tmt.G.Latha, I.A.S.,
The Chairman,
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Dated:
14.07.2023