



Cont.P.(MD) No.383 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.07.2023

CORAM:

THE HONOURABLE Mr.JUSTICE BATTU DEVANAND

Cont.P.(MD) No.383 of 2021

in

W.P.(MD) No.11541 of 2014

Kattu Bava Middle School,
Tenkasi-627 811,
Rep., by its Manager,
S.Mohamed Ibrahim,
Tenkasi.

(Previously shown as Tirunelveli District)

.. Petitioner/Petitioner

Vs.

1.S.Jeya Prakash Rajan,
District Educational Officer,
Tenkasi.

(Previously shown as Tirunelveli District)

2.S.Elamurugan,
Block Educational Officer,
Tenkasi.

(Previously shown as
Additional Assistant Elementary Educational Officer,
Tirunelveli District)

.. Contemnors/
Respondents 4 & 6

Prayer: Petition filed under Section 11 of the Contempt of Courts Act,
1971 to punish the contemnors/respondents herein for their acts of



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contempt committed by them for disobeying the orders of this Court passed in W.P.(MD) No.11541 of 2014 dated 27.01.2020.

For Petitioner : Mr.N.Dilip Kumar

For Respondents : Mr.V.Nirmal Kumar
Government Advocate

ORDER

This contempt case has been filed complaining wilful disobedience of the order dated 27.01.2020 in W.P.(MD) No.11541 of 2014.

2. This Court disposed of the writ petition by setting aside the impugned order with a direction to the respondents to approve the proposals submitted by the petitioner-School for appointment of six teachers within a period of twelve weeks from the date of receipt of a copy of the order.

3. Learned counsel for the petitioner submits that as the order is not complied in true letter and spirit, the petitioner is constrained to file this contempt petition.



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4. On behalf of the respondents, counter affidavits have been filed.

5. The learned Government Advocate appearing for the respondents submits that the order of the Court has been complied with on 07.07.2023 by granting permission for approval of six teachers as proposed by the School and accordingly, the learned Government Advocate submits that the order of the Court is complied in true letter and spirit and requested to close the contempt case.

6. The learned Government Advocate further submits that the respondents received a copy of the order dated 27.01.2020 in the month of March, 2020 and due to the lockdown announced by the State and Central Governments, in view of the Covid-19 pandemic, the respondents could not proceed further immediately. Thereafter, the respondents filed writ appeal in W.A.(MD) No.1333 of 2021 before this Court and it is pending.

7. In this contempt case, this Court by order dated 03.03.2023, granted time to the concerned authority to submit an approval letter



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within a period of four weeks and accordingly, the respondents issued proceedings on 07.07.2023 granting approval for all 6 appointments in the petitioner-School.

8. The learned Government Advocate further submits that the delay happened only due to the bona fide reasons as stated in the counter affidavits and the respondents are tendering their unconditional apology for the delay in the implementation of the order and requested to consider the unconditional apology to close the contempt case.

9. Learned counsel for the petitioner also accepted that order of this Court is complied with by issuing proceedings dated 07.07.2023 and there is delay in compliance.

10. As of now, approval is granted for six teachers to the petitioner-School by proceedings dated 07.07.2023. Having regard to the facts and circumstances of the case and on perusal of the entire material available on record, the reasons stated by the respondents in the affidavit



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filed by them to substantiate the reasons for the delay in implementing the order of the Court, this Court is of the opinion that there is sufficient cause shown by the respondents to explain the delay in complying the order of the Court. Besides that, as the respondents are tendering unconditional apology for the delay occurred in implementing the order of the Court, in the considered opinion of this Court, the unconditional apology tendered by the respondents is bona fide and to be accepted.

11. Accordingly, the unconditional apology tendered by the respondents is accepted.

12. For the above mentioned reasons, this Contempt Case is closed.

19.07.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes

abr



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BATTU DEVANAND, J.

abr

To

1.Ms.S.Jeya Prakash Rajan,
District Educational Officer,
Tenkasi.
(Previously shown as Tirunelveli District)

2.Mr.S.Elamurugan,
Block Educational Officer,
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