



Cont.P(MD)No.653 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.07.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **BATTU DEVANAND**

Cont.P.(MD)No.653 of 2023

in

W.P.(MD)No.22800 of 2019

J.Swaminathan

... Petitioner/Petitioner

Vs.

1.Mrs.Kakarla Usha
The State of Tamilnadu
Rep.by its Principal Secretary,
School Education Department,
Fort St.George, Chennai -09.

2.Mr.Jeyakumar,
The Director (Vocational) of
School Education, College Road,
Chennai – 06.

3.Mr.P.Selvaraj,
The District Educational Officer,
O/o District Educational Office,
Nagapattinam

... Contemnors/Respondents

PRAYER: Petition filed under Section 11 of the Contempt of Courts Act, to punish the contemnors/respondents for their willful, deliberate disobedience of the order of this Court made in W.P.(MD)No.22800 of 2019, dated 05.11.2019.



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For Petitioner : Mr. R.Saravanan

For Respondents : Mr.R.Baskaran
Senior Counsel
Assisted by Mr.V.Nirmal Kumar

ORDER

This Contempt Petition has been filed complaining willful disobedience of the order dated 05.11.2019 passed in W.P(MD)No.22800 of 2019.

2. The 1st respondent has filed a counter affidavit. In the said counter affidavit, it is averred that after receipt of the order of this Court, particulars in respect of the Writ Petitions are called for from the respective schools through concerned Chief Educational Officer and after examining the same, in consultation with the advisory departments of Secretariat, the Government issued G.O.Ms.No.127, School Education (S.E.7(1)) Department, dated 12.07.2023 extending the benefit of the orders issued in G.O.Ms.No.194, School Education Department dated 12.09.2018, in which, the petitioner herein also covered by the said G.O.Ms.No.127 School Education (S.E.7(1)) Department dated 12.07.2023.



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3. Mr.Baskaran, learned Senior Counsel, assisted by Mr.V.Nirmal Kumar, learned counsel appearing on behalf of the respondents contends that by issuing G.O.Ms.No.127 School Education (S.E.7(1)) Department dated 12.07.2023, the respondents have complied the order of this Court, but, in view of the reasons stated in the affidavit the delay occurred in implementing the orders. The learned Senior Counsel has drawn the attention of this Court to the averments at paragraph No.2 of the affidavit, wherein, the respondents tendered their unconditional apology for the delay in implementing the orders. The learned Senior Counsel would further submit that due to the pendency of the Writ Appeal and Review Petition, the delay has occurred.

4. The learned counsel for the petitioner submits that though there is some delay, as of now the order of this Court is implemented by issuing G.O.Ms.No.127 School Education (S.E.7(1)) Department dated 12.07.2023.



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5. Having regard to the facts and circumstances of the case and on a careful consideration of the submissions of respective counsels and materials available on record, it appears that the respondents implemented the order of this Court by issuing G.O.Ms.No.127 School Education (S.E.7(1)) Department dated 12.07.2023, but admittedly, there is some delay in complying the order.

6. However, considering the submissions of the learned Senior Counsel and the reasons stated in the affidavit for the delay occurred, this Court is of the opinion that the unconditional apology tendered by the respondents is *bonafide* and it is to be accepted.

7. Accordingly, accepting the unconditional apology tendered by the respondents for the delay, this Contempt Petition is closed.

19.07.2023

Index : Yes/No
Internet : Yes/No
CM



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To,

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The State of Tamilnadu
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2.Mr.Jeyakumar,
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BATTU DEVANAND, J.,

CM

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