



WEB COPY

Cont.P.(MD) No.1382 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.10.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

Cont.P.(MD) No.1382 of 2023

in

W.A.(MD) No.129 of 2023

R.Priyatharshini

... Petitioner

-vs-

K.John Pakkiya Selvam
District Educational Officer
(Elementary Education)
O/o.District Educational Office
Tirunelveli-Town
Tirunelveli-627 001

... Respondent

PRAYER: Contempt Petition is filed under Section 11 of the Contempt of Courts Act, 1971 praying to punish the respondent for the willful disobedience of the order passed by this Court in W.A.(MD) No.129 of 2023, dated 14.02.2023.



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For Petitioner : Mr.K.Samidurai
For Respondent : Mr.D.Sadiq Raja
Additional Government Pleader

ORDER

[Order of the Court was made by S.M.SUBRAMANIAM, J.]

This contempt petition has been filed alleging willful disobedience of the order, dated 14.02.2023, made in W.A.(MD) No.129 of 2023.

2. Paragraph Nos.8 & 9 of the said order are as follows:

“8. In view of the above cited decisions, we are inclined to modify the order of the learned Single Judge. Accordingly, we direct the appellants to consider the resubmitted proposal of the 2nd respondent dated 16.12.2019, for approval of the appointment of the first respondent / writ petitioner, without reference to the G.O.Ms.No.165, School Education Department, dated 17.09.2019 and pass orders in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. It is needless to say that the petitioner shall also furnish any further particulars to the appellants, within a period of two weeks from the date of receipt of a copy of this order.



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9. To the above extent, the order passed in in W.P. (MD)No.15684 of 2020, dated 02.09.2022 is modified and consequently, this Writ Appeal is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.”

3. Pursuant to the above directions issued by this Court, the District Educational Officer, Tirunelveli, has passed an order dated 03.04.2023. Relying on the said order, learned Additional Government Pleader appearing for the respondent made a submission that the order passed by the Court has been complied with by considering the claim of the petitioner. 38 surplus Teachers are identified by the District Educational Officer, Tirunelveli and therefore, the claim of the petitioner was also considered on merits and based on the Government Orders.

4. Learned counsel for the petitioner made a submission that the Authority concerned has not considered the claim of the petitioner in consonance with the directions issued by this Court.



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5. Learned counsel for the petitioner reiterated that the respondent has failed to consider the spirit of G.O.Ms.No.165, School Education Department, dated 17.09.2019.

6. In contempt proceedings, Courts are not expected to re-adjudicate the merits of the case. Only in the event of non-compliance of the orders, appropriate action will be initiated under the Contempt of Courts Act, 1971. However, this Court has passed an order directing the Authorities concerned to pass orders in accordance with law, within a period of eight weeks from the date of receipt of a copy of the order. Wrong appreciation of the merits of the case or non-consideration of certain issues raised by the parties may not be a ground to invoke the contempt jurisdiction against the authorities concerned. Authorities are implementing the orders passed by the Courts by considering the merits in their opinion, which would not attract the provisions of the Contempt of Courts Act, 1971. If the order passed by the authority concerned is otherwise not in accordance with the Government Orders or Rules in force, the aggrieved person is at liberty to approach the competent Appellate Authority or the Court, as the case may be.



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7. The scope of contempt proceedings cannot be expanded for the purpose of re-adjudication of the issues. The merits of the order passed by the Courts alone are to be taken into consideration for the purpose of dealing with the issues under the Contempt of Courts Act, 1971. That being the scope of contempt proceedings, the petitioner is at liberty to workout her remedy in the manner known to law.

8. Accordingly, the contempt petition is closed.

[S.M.S., J.]

[L.V.G., J.]

16.10.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

Mr.K.John Pakkiya Selvam,
District Educational Officer,
(Elementary Education),
O/o.District Educational Office,
Tirunelveli-Town,
Tirunelveli-627 001.



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