



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Contempt Petition No.916 of 2024
in WMP No.2525 of 2023
in W.P.No.2430 of 2023
and Sun Appln (OS).No.477 of 2024

Dr.K.Ashok

.. Petitioner

vs.

Dr.S.Mohan
Vice Chancellor
Puducherry Technological University
Kalapet, Pondicherry.

.. Respondent

Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondent for the willful disobedience of the order dated 30.01.2023 in WMP No.2525 of 2023 in W.P.No.2430 of 2023.

For Petitioner : Mr.R.Subhash

For Respondents : Mr.R.Syed Mustafa

ORDER

This contempt petition has been filed on the ground that the respondent has willfully disobeyed the interim order passed in WMP No.2525 of 2023 dated 30.01.2023, wherein this Court had directed the respondent to keep the final list of the Career Advancement Scheme Promotion in abeyance for a period of two weeks.



2. When the matter came up on 5.4.2024, it was represented before this Court that the respondent in spite of being aware of the interim orders passed by this Court, proceeded to pass orders dated 28.4.2023 by releasing the final list of the Career Advancement Scheme Promotion. In view of the same, this Court issued statutory notice to the respondent.

3. When the matter came up for hearing on 7.6.2024, a sub application was filed on the side of the respondent to dispense with the appearance of the contemnor/respondent on the ground that the respondent has been directed to visit Aligarh University to evaluate a program for grant of accreditation. This Court taking into consideration the averments made in the affidavit filed in support of the petition, was pleased to dispense with the appearance of the contemnor/respondent and directed the respondent to be present before this Court today.

4. The matter was taken up for hearing today and the contemnor/respondent was present in person.

5. Heard Mr.R.Subhash, learned counsel for the petitioner and Mr.R.Syed Mustafa, learned counsel appearing on behalf of the respondent.

6. It is seen from records that the interim order was originally granted on 30.01.2023 for a period of two weeks. Thereafter, it was not extended. The matter came up for hearing before this Court once again on 28.4.2023 and this Court passed



the following order:

WEB COPY

M/s. Raman and Associates, Learned Counsel takes notice for the Fifth to Fifty Fourth Respondents.

2. It is represented that the Fifth to Fifty Fourth Respondents are aggrieved by the operation of the interim order 30.01.2023 in W.M.P. No. 2525 of 2023 passed by the Court, but it was limited for a period of two weeks from the said date and has lapsed. Learned Counsel for both sides inform that elaborate submissions have to be made for extension or otherwise of the interim order. In such circumstances, list the matter before the Vacation Court in May 2023.

7. Since the interim order was not extended by this Court on 28.4.2023, the respondent proceeded to issue orders under the Career Advancement Scheme Promotion for the post of Associate Professor, Assistant Professor and Professors in various departments. It was also made clear in the order that it will be subject to the final outcome in the pending writ petition in W.P.No.2430 of 2023.

8. The case came up for hearing once again before the Vacation Court on 5.5.2023 and this Court passed the following order:

Mr.V.Prakash, learned Senior Counsel appearing for the respondents 5 to 54 would submit that the interim orders granted in W.M.P.No.2525 of 2023 on 30.01.2023, got expired on 13.02.2023. In the meantime, interview has already been conducted and some candidates have been promoted.

2. Mr.R.Syed Mustafa, learned Special Government Pleader (Pondicherry) appearing for the respondent University would submit that the interview was conducted and the petitioner has also appeared in the interview and the results are awaited.



3. In this circumstance, since the interim order granted on 30.01.2023 has not been extended further, the matter may be listed on 08.06.2023 for final arguments.

9. It is clear from the above order that this Court was informed about the final list published by the respondent and also of the fact that the candidates were called and interviews were conducted and some of the candidates were also promoted. After hearing such arguments, this Court took into consideration the fact that the interim order was not extended and therefore directed the main writ petition itself to be listed for final arguments.

10. It is clear from the above that the writ petition had come up for hearing atleast on two occasions on 28.4.2023 and on 5.5.2023 and on both occasions, this Court was apprised of the fact that the interim orders were not extended beyond 13.2.2023 and inspite of the same, this Court did not choose to extend the interim orders. Thus, the interim order that was passed by this Court on 30.1.2023 had expired and therefore, the release of the final list by the respondent cannot be construed as willful disobedience of the order passed by this Court and strictly speaking, a contempt will not lie against the respondent.

11. In the light of the above discussion, this contempt petition is closed. It is made clear that the writ petition itself can be listed for final hearing and it will be left open to the parties to make their submissions on the merits of the case.



12. Accordingly, Contempt Petition No.916 of 2024 is closed. Consequently,

Sub Appln (OS).No.477 of 2024.

12.06.2024

Internet: Yes
Index: Yes/No
Speaking Order/Non-Speaking Order
KP

To

Dr.S.Mohan
Vice Chancellor
Puducherry Technological University
Kalapet, Pondicherry.



WEB COPY



6

N. ANAND VENKATESH, J.

KP

Contempt Petition No.916 of 2024
in WMP No.2525 of 2023
in W.P.No.2430 of 2023
and Sun Appln (OS).No.477 of 2024

12.06.2024