



CONT.P.(MD)No.1287 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CONT.P.(MD)No.1287 of 2024

in

WP(MD) No.7757 of 2021

K.G.Kothainayagi

... Petitioner

Vs

Mrs.Chinnamani,
District Educational Officer,
Opp to Rathna Theater,
Tirunelveli.

...Contemnor/Respondent

PRAYER: Contempt Petition filed under Section 10 of the Contempt of Courts Act, praying this Court to punish the contemnor/respondent for willful disobedience and deliberate refusal to comply the order dated 22.03.2024 of this Court in WP(MD) No. 7757 of 2021, dated 22.03.2024.

For Petitioner

:Mr.S.Kumar

For Respondent

:Mr.P.T.Thiraviam

Government Advocate

ORDER

This contempt petition is filed that the order of this Court in WP(MD) No.7757 of 2021, dated 22.03.2024 has not been complied with.



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2.WP(MD) No.7757 of 2021 was filed by the petitioner that her request for promotion to the post of Middle School Headmistress was rejected by the Education Department, on the ground that B.Lit qualification acquired by her while she was in service was without obtaining prior approval from the Head of the Department. The said writ petition was allowed of by this Court on 22.03.2024 as under:-

"5. The case of the petitioner herein is also identical and her case is also refused to be considered for promotion to the post of Middle School Headmistress only on the ground that the qualification of B.lit acquired by her was without obtaining prior permission from the head of the department. In the light of the settled legal position, the ground on which the impugned order passed by the 3rd respondent is unsustainable and the same is accordingly set aside and the Writ Petition is allowed, further directing the 5th respondent to consider the case of the petitioner for promotion to the post of Middle School Headmistress and submit the necessary proposals to the 3rd respondent and in such an event, the 3rd respondent shall consider the same without reference



to the fact that the petitioner obtained B.Lit qualification without obtaining prior permission from the head of the department and pass appropriate orders in accordance with law. No costs. Consequently, connected miscellaneous petition is closed."

3.Today(22.11.2024), when this contempt petition is taken up for hearing, the learned Government Advocate appearing for the respondent submits that the above order of this Court has been complied with by considering the petitioner's eligibility for promotion to the post of Middle School Headmistress in the light of the instructions, which was issued by the Secretary to Government in 4132/Tho.Ka 2(1) 2024, dated 10.05.2024 and it was rejected by a proceedings of the District Education Officer, Tirunelveli in Na.Ka.No.1492/A5/2024, dated 12.06.2024. A copy of the proceedings is placed before this Court.

4.Though this Court is not appreciating the manner, in which, the order has been passed by referring the Government letter, dated 10.05.2024, this Court cannot pass any further order in this



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contempt petition, in view of the limited scope of the contempt proceedings. Accordingly, this contempt petition is closed.

5.Since the request of this petitioner for promotion was rejected by the respondent vide proceedings of the District Education Officer, Tirunelveli in Na.Ka.No.1492/A5/2024, dated 12.06.2024, as per the instructions of the Government in 4132/Tho.Ka 2(1) 2024, dated 10.05.2024, the petitioner is at liberty to challenge the above proceedings in the manner known to law.

22.11.2024

Index:Yes/No
Internet:Yes/No
vrn

To

Mrs.Chinnamani,
District Educational Officer,
Opp to Rathna Theater,
Tirunelveli.



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B.PUGALENDHI, J.

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Order made in
CONT.P.(MD)No.1287 of 2024
in
WP(MD) No.7757 of 2021

22.11.2024