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Cont.P(MD).No.1402 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 04.10.2024

PRONOUNCED ON : 15.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

Cont.Petition (MD).No.1402 of 2024

in

W.P(MD).No.11889 of 2024

G.Chithradevi

....Petitioner

Vs

1.Mr.S.Kannappan
The Director of School Education
Chennai – 6

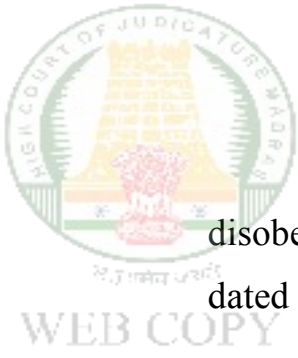
2.Ms.R.Valarmathi
The Chief Educational Officer
Virudhunagar District

3.Mr.P.N.Periyannarajan
The Secretary
TUNSV Higher Secondary School
Thiruchuli
Virudhunagar District

...Contemnors/Respondents

(Respondent Nos.1 & 2 dismissed as per
order dated 22.08.2024)

Prayer: This Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondents/contemnors for willful deliberate



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disobedience of the order passed by this Court in WP(MD).No.11889 of 2024 dated 06.06.2024.

For Petitioner : Mr.V.Panneer Selvam

For R1 & R2 : Mr.N.Satheesh Kumar
Additional Government Pleader

For R3 : Mr.P.Santhosh Kumar

ORDER

The present contempt petition has been filed alleging violation of the order of this Court dated 06.06.2024 made in W.P(MD).No.11889 of 2024.

2.By an order dated 30.05.2024, the petitioner was deployed from T.U.N.S.V. Higher Secondary School, Thiruchuli to S.B.K. Higher Secondary School, Kalloorani on the ground that she is found to be surplus. This order was put to challenge in the above writ petition by the concerned teacher.

3.This Court by an order dated 06.06.2024 confirmed the fact that the petitioner is a surplus teacher in T.U.N.S.V. Higher Secondary School. However, it was contended on the side of the petitioner that there is a vacancy for P.G.Assistant (Chemistry) in the same School and the petitioner is also qualified to be appointed to the said post. In case, if she is promoted, she would not be rendered surplus in the B.T.Assistant cadre. Accepting the said contention, this Court passed an order directing the School management to



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consider the request of the petitioner and pass orders within a period of two months before relieving her. In case, if the petitioner is not considered and not posted in the third respondent School, the petitioner has to abide by the order of deployment.

4.The contempt petition has been filed alleging that the School Management is not permitting the petitioner to work in the third respondent School and is not taking any steps for considering the request of the petitioner to promote her as P.G.Assistant in the said school.

5.According to the official respondents (who have been deleted from the array of parties by an order dated 22.08.2024) unless they received proposal from the School Management promoting the writ petitioner, the question of considering the request of the petitioner does not arise.

6.The learned counsel for the School Management had contended that the petitioner had joined in the deployed place. He had further contended that when notice was issued to the writ petitioner to appear for written examination to consider her name for promotion, she has approached this Court and obtained an order of interim stay. Therefore, the management is not in a position to comply with the order of this Court.

7.I have considered the submissions made on either side and perused the material records.



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8.The order of deployment passed by the authorities on 30.05.2024 deploying the petitioner from T.U.N.S.V. Higher Secondary School, Thiruchuli to S.B.K. Higher Secondary School, Kalloorani, Thiruchuli, Virudhunagar District was not set aside by this Court in its order dated 06.06.2024, but it was only kept in abeyance for a period of two months. Merely because the School management has not passed any order promoting the petitioner, the deployment order would not become unenforceable. It is no doubt true that the School management is delaying the consideration of the petitioner for promotion to the post of P.G.Assistant, that would not give any leverage to the writ petitioner to continue in T.U.N.S.V. Higher Secondary School, Thiruchuli.

9.Even assuming that the petitioner gets deployed to another School, she would still be entitled to be considered for promotion to the post of P.G.Assistant, in view of the fact that the petitioner has only been deployed on the ground that she is found to be surplus. Therefore, this Court is of the opinion that taking advantage of the delay on the part of the School Management, the petitioner cannot seek to retain herself at T.U.N.S.V. Higher Secondary School, Thiruchuli. If the petitioner has got any grievance with regard to not being permitted to attend duty or non payment of salary, it is always open to the petitioner to initiate appropriate proceedings as against the School management.



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10.In a writ petition challenging the order of deployment, the request of the petitioner for promoting her as a P.G.Assistant cannot be made as a subject matter of contempt. That apart, the petitioner has already obtained an order of interim stay challenging the notice issued by the School management directing her to appear for a written examination to consider her name for promotion.

11.In view of the above said facts, this Court is of the opinion that willful disobedience on the part of the School Management has not been made out. Therefore, this Contempt Petition stands closed. No costs.

15 .10.2024

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
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R.VIJAYAKUMAR, J.

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