



Cont.P.(MD) No.1335 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 23.02.2024

CORAM

THE HON'BLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

Cont.P.(MD)No.1335 of 2021

K.Alima Banu

... Petitioner

Vs.

1.Mr.R.Balamurali,
Chief Educational Officer,
Trichirapalli.

2.Mr.G.Bharathi Vivekanandan,
District Educational Officer,
Trichirapalli.

... Respondents

PRAYER: Contempt Petition filed under Section 11 of Contempt of Courts Act, praying to punish the contemnors/respondents for wilful deliberate disobedience of the order passed by this Court in W.P.(MD)No.11628 of 2020, dated 14.09.2020.

For Petitioner : Mr.V.Paneerselvam

For Respondents : Mr.V.Om.Prakash,
Government Advocate..



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ORDER

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This Contempt Petition has been filed alleging violation of the order passed by this Court in W.P.(MD)No.11628 of 2020, dated 14.09.2020, wherein this Court while setting aside the impugned orders therein remanded the matter back to the second respondent, directing him to reconsider the proposal sent by the school concerned as to whether the petitioner was appointed in a sanctioned vacancy or not and on satisfying of the fact that they have been appointed in the sanctioned vacancy alone, left it open to the second respondent to pass necessary orders giving approval of such appointment and further directed that the said exercise be completed within a period of eight weeks from the date of receipt of a copy of the said order.

2. Pursuant to the said order passed by this Court dated 14.09.2020, the second respondent appears to have passed an order dated 24.03.2021 in proceedings No.ஓ.மு.எண்.4737/அ2/2020. On issuance of the said proceedings, alleging violation of the order passed by this Court, this Contempt Petition has been filed.



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3. This Court having taken note of the said order dated 24.03.2021, came to a *prima facie* conclusion that the respondents have not complied with the order and gave them an opportunity by an order dated 21.10.2021, and required the respondents to pass revised fresh orders and to comply with the order passed by this Court. In response to the same, the second respondent issued a proceedings in மு.மு.எண்.07197/அ4/2021, dated 29.12.2023 approving the appointment of the petitioner in the post concerned with effect from 11.07.2018 and a copy of the same has been placed before this Court by duly serving on the learned counsel for the petitioner.

4. On perusing the said proceedings, it is contended by the learned counsel for the petitioner that the petitioner was appointed on 01.06.2016, but the approval was granted only with effect from 11.07.2018 and therefore, the respondents have not complied with the order of this Court.

5. This Court, having considered the said submission, is of the considered view that there is no positive direction issued by this Court while



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disposing of the writ petition and it is only a direction to consider the case of the petitioner for approval, if the petitioner was found to have been appointed in a sanctioned post. Accordingly, the respondents have issued the proceedings in மு.மு.எண்.07197/அ4/2021, dated 29.12.2023 approving the appointment of the petitioner with effect from 11.07.2018. Whether the said approval from 11.07.2018 is correct or not or whether the petitioner is entitled for approval of her appointment with effect from 01.06.2016 cannot be gone into in this contempt case.

6. Accordingly, this Contempt Petition is closed leaving it open to the petitioner to take appropriate steps against the proceedings in மு.மு.எண்.07197/அ4/2021, dated 29.12.2023, if she is aggrieved by the said order. No costs.

23.02.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes /No

vsm

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To

- 1.The Chief Educational Officer,
Trichirapalli.
- 2.District Educational Officer,
Trichirapalli.



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MUMMINENI SUDHEER KUMAR, J.

vsm

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