



WEB COPY

Cont.P.No.1091 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2025

CORAM

THE HON'BLE MR. JUSTICE **P.B.BALAJI**

Cont.P.No.1091 of 2024
& Sub.Appln.Nos.1320, 1321, 752 & 753 of 2024

Diamond Jubilee Higher Secondary School,
Rep. by its Correspondent / Secretary,
Gobichettipalayam,
Erode District.

....Petitioner

Vs

1.J.Kumaragurubaran, IAS,
Secretary to Government,
State of Tamilnadu,
Education Department,
Chennai -9.

2.G.Arivoli,
Director of School Education,
College Road, Chennai – 6.

3.Sampath
Chief Educational Officer,
Erode.

4.Bolraj
District Education Officer,
Gobichettipalayam,
Erode District.

....Respondents

Prayer: Contempt Petition filed under Section 11 of the Contempt of Court Act, to punish the respondents for non-compliance of the order passed in W.P.No.5921 of 2016 dated 30.06.2023.



WEB COPY

Cont.P.No.1091 of 2024



For Petitioner : Mr.S.N.Ravichandran

For Respondents : Mr.S.Prabhakaran
Government Advocate

ORDER

This Contempt Petition has been filed, complaining of willful disobedience of my order dated 30.06.2023 in W.P.No.5921 of 2016.

2.In and by the said order, I had allowed the writ petition filed by the petitioner herein in the manner following:

“13. In so far as Vocational Course, considering the submissions made by the learned Special Government Pleader for the respondents, the petitioner's school shall make a fresh representation setting out its need as on date, giving the strength of students who are studying or who have enrolled in the last 3 to 4 years and on receipt of such fresh representation from the petitioner's school, 2nd respondent shall consider such request objectively and positively and shall not reject the same on technical grounds stating once the post are surrendered it cannot be filled up. The 3rd and 4th respondents shall also submit their report regarding the present status of the school and the requirement of the teaching staff for the Vocational Courses. In view of the same, the writ petition is partly allowed and the impugned order in so far as the 2 P.G.Assistant (English, Tamil and Botany) posts are concerned is set aside and the respondents are directed to restore the said three posts in the staff strength and in so far as the Agricultural Practices(Vocational Course), in the light of the above discussion, the petitioner's school shall make a fresh representation within a period of two



WEB COPY

Cont.P.No.1091 of 2024



weeks from the date of receipt of a copy of this order, setting out its need/requirement for the post of Draft Instructor depending on the present students strength and on receipt of such representation, the 2nd respondent, after consulting the 3rd and 4th respondents, shall pass orders on merits and in accordance with law within four weeks thereafter.”

3.Insofar as the Vocational Courses were concerned, the learned counsel for the petitioner would submit that subsequent to the filing of the contempt petition, the order has been complied with. However, his grievance is with regard to 3 PG Assistant posts (English, Tamil and Botony). Insofar as Agricultural Practices (Vocational Course) – Crop Inspector, the learned counsel for the petitioner would submit that despite the writ appeal having been dismissed by the Division Bench and the Special Leave Petition also having been dismissed at the admission stage itself, the respondents have not complied with the order regarding the Crop Inspector post. He would also invite my attention to the further correspondence between the petitioner and the respondents. The learned counsel for the petitioner would therefore pray for the contempt petition being allowed.

4.Per contra, the learned counsel for the respondents would submit that the petitioner/School themselves had given a representation on



03.01.2025, giving up the Vocational Inspector post and therefore, the contempt petition is no longer required to be examined. He would seek for dismissal of the said application.

WEB COPY

5.In reply, the learned counsel for the petitioner would submit that the said letter was given under force/duress and not voluntarily. He would further submit that the posts have now been brought under self financing category which would defeat the very letter and spirit of the order passed by this Court. He would further submit that he has also given a detailed representation to the respondents with regard to the restoration of the posts in the aided category and by removing it from the self financing category.

6.However, I do not find that such subsequent events will have to be considered in this contempt petition. Admittedly, insofar as the portion of the order passed by me on 30.06.2023, the same has been complied with. It is only with regard to the Vocational Inspector posts, in respect of which the petitioner has some grievances. Even in my order, I had only directed the petitioner/School to make a fresh representation, within a period of two weeks, setting out its needs/requirements for the



WEB COPY

post of Crop Inspector, depending on students strength. Now, admittedly, there is a letter from the petitioner/School stating that the said post is not required under aided category. Though the circumstances under which the said letter has been issued is now questioned by the petitioner/School, I cannot treat it as contemptuous act on the part of the respondents, who have gone by the request of the petitioner/School alone. In any event, considering the contention of the petitioner that the petitioner had not voluntarily given such request, it shall be open to the petitioner to pursue its representation to restore the posts in the aided category.

7.In view of the above, this Contempt Petition is closed.

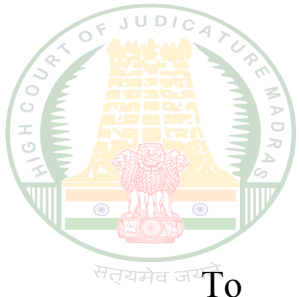
Connected Sub Applications are closed.

10.06.2025

Speaking/Non-speaking order

Index : Yes/No

ata



Cont.P.No.1091 of 2024



To
WEB COPY

- 1.The Secretary to Government,
State of Tamilnadu,
Education Department,
Chennai -9.
- 2.The Director of School Education,
College Road, Chennai – 6.
- 3.The Chief Educational Officer,
Erode.
- 4.The District Education Officer,
Gobichettipalayam,
Erode District.



WEB COPY

Cont.P.No.1091 of 2024



P.B.BALAJI,J.

ata

Cont.P.No.1091 of 2024
& Sub.Appln.Nos.1320, 1321, 752 & 753 of 2024

10.06.2025