



Cont.P. No.3643 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

Cont.P. No.3643 of 2024

M.Selvarajan

... Petitioner

..Vs..

1.Smt. Madhumathi I.A.S.,
Principal Secretary to Government,
State of Tamil Nadu, School Education Department
Secretariat, Fort St. George, Chennai- 600 009.

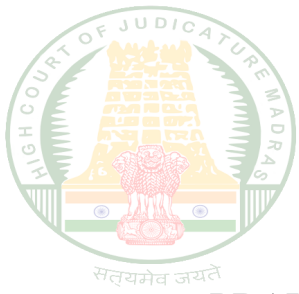
2.Thiru. Kannppan,
The Director of School Education,
DPI Campus, College Road, Chennai 600 006.

3.Ms. Gnana Gowri,
The Director of School Education (Higher Secondary),
DPI Campus, College Road, Chennai 600 006.

4.B.Chandra Mohan,
Secretary,
School Education Department,
Secretariat, Fort St. George,
Chennai - 600 009.

... Respondents

(Suo Motu impleaded as 4th Respondent as per the order of the Hon'ble Court made in Cont.P.No. 3643 of 2024, dated 08.08.2025)



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PRAYER : Contempt Petition filed under Section 11 of the Contempt of Court Act praying to punish the respondents for willfully disobeying the orders of this Hon'ble Court in W.P. No.14928 of 2021 dated 23.07.2024.

For Petitioner : Mr.G.Sankaran
Senior Counsel

For Respondents : Ms.Mytheriye Chandru
Special Government Pleader
Assisted by Mr.P.Rajeswari
Government Advocate

ORDER

This contempt petition has been filed alleging violation of the order dated 23.07.2024 passed in W.P. No.14928 of 2021. By the said order, this Court after having taken note of the averments made in the counter affidavit stating that 2% vacancies earmarked for Ministerial staff working in the School Education Department in the cadre of P.G. Assistant for the panel years 2014- 2015 to 2020-2021 worked out to 164 posts and out of which, 125 vacancies have been filled up and balance 39 vacancies are reserved for other categories, disposed of the writ petition directing the respondents to fill up 2% of posts in the cadre of P.G. Assistant earmarked to be filled by way of appointment of transfer from among the Ministerial staff working in School Education Department.

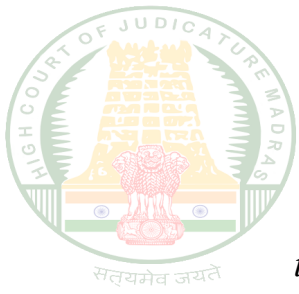


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2. On the earlier occasion when the matter came up for consideration on 08.08.2025, it was noticed by this Court that the respondents have not complied with the orders passed by this Court on the ground that an amendment was proposed to the relevant rules. Under those circumstances, this Court passed the following order.

"5. This court, after having perused the said affidavit, does not see any justification for the respondents in not complying with the order passed by this court. In the circumstances, it is evident that the respondents herein have deliberately violated the order passed by this court and have neither evinced any interest to comply with the order passed by this court, nor initiated any steps and no material is placed before this court showing the genuine interest to comply with the order passed by this court. In the circumstances, this court is left with no other option except to conclude that the respondents have deliberately violated the order passed by this court.

6. Further, it is brought to the notice of this court that the first respondent herein, who was holding the post of 'Secretary to Government, School Education Department', was transferred from the said post on 09.02.2025. Irrespective of the fact of her transfer, the first respondent herein cannot escape



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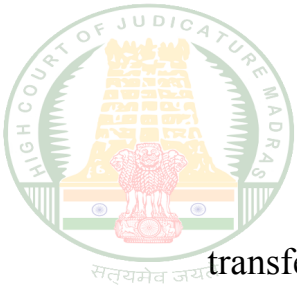
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the liability, as she was holding the post of 'Secretary to Government, School Education Department' till 09.02.2025, and this court passed the order as early as on 08.07.2024.

7. In view of the same, Mr.B.Chandra Mohan, Secretary, School Education Department, Secretariat, Fort St. George, Chennai- 600 009, is suo motu impleaded as the Respondent No.4. Mr.A.M.Ayyadurai, learned Government Advocate takes notice for the Respondent No.4. The Respondent No.4 shall file his counter-affidavit positively by 22.08.2025. The respondents 1 to 3 shall appear before this court on 22.08.2025 for passing appropriate orders on the punishment to be imposed on the respondents 1 to 3."

3. Today all the respondents have appeared before this Court in person and a compliance affidavit has been filed by the fourth respondent along with a copy of the proceedings bearing Na.Ka.No.36667/W3/E2/2024 dated 13.08.2025 before this Court.

4. Ms.Mytheriye Chandru, learned Special Government Pleader assisted by Mr.P.Rajeswari, learned Government Advocate appearing for the respondents / contemnors submitted that the respondents have filled up 39 vacancies with the candidates who are entitled for appointment of



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transfer against 2% quota earmarked for Ministerial Staff working in School Education Department.

5. However, Mr.G.Sankaran, learned Senior Counsel appearing for the petitioner contended that 39 vacancies filled up by the respondents would not satisfy the 2% posts of earmarked for Ministerial Staff working in School Education Department and as a matter of fact, that there are more number of vacancies that are required to be filled up in terms of the order passed by this Court.

6. From the perusal of the order dated 23.07.2024, it is evident that this Court disposed of the writ petition basing upon the averments made in the counter affidavit quantifying the vacancies earmarked against 2% quota for the panel years 2014- 2015 to 2020-2021 as 164 vacancies and unfilled 39 vacancies. As the said 39 posts have been filled up through proceedings dated 13.08.2025, this Court is convinced that the respondents have complied with the orders passed by this Court. In case, if the 2% quota is not fulfilled even after the issuance of the proceedings dated 13.08.2025, it is open for the petitioner to work out remedy in accordance with law. In case if the 2% vacancies are not filled up as



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directed above, the obligation on the respondents would continue to operate by virtue of the mandamus already issued by this Court. In case if the petitioner is able to establish that there are still more unfilled vacancies falling within 2% quota, it is for the petitioner to work out his remedies.

7. In the result, this Contempt Petition is closed.

22.08.2025

Index : Yes/No
Internet : Yes/No
mtl

To

1.Smt. Madhumathi I.A.S.,
Principal Secretary to Government,
State of Tamil Nadu, School Education Department
Secretariat, Fort St. George, Chennai- 600 009.

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MUMMINENI SUDHEER KUMAR, J.

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