



Cont.P.No.38 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2025

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CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH
and
THE HONOURABLE MR.JUSTICE G. ARUL MURUGAN

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A.Abirami

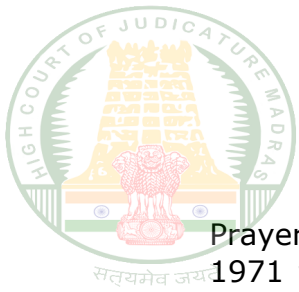
.. Petitioner

VS

- 1.P.Ambigabathi,
The Chief Educational Officer,
Nagapattinam Distrit, Nagapattinam.
Presently Address:
Kitappa Municipal Higher Secondary School,
Koranadu, Mayilladuturai – 609 003.
Mayiladuturai District.
- 2.G.Thiyagarajan
The District Educational Officer (Secondary),
Sirkazhi Taluk, Nagapattinam District.
Presently Address:
Cutchery Road, (Senthil Pipe Agency Upstair),
Mayiladuturai – 609 001, Mayiladuturai District.
- 3.V.Rama
The Headmaster,
Government Girls Higher Secondary School,
Sembanarrkoil – 609 309.
- 4.M.K.C.Shubhasini,
Chief Educational Officer, Koranadu, Mnayiladuthurai,
Mayiladuthurai District.
- 5.C.Shanthi,
District Educational Officer (Secondary),
Cutchery Road, (Senthil Pipe Agency Upstair),
Mayiladuthurai, Mayiladuthurai District.

*(R4, R5 impleaded as repondents
as per order dated 08.01.2025)*

.. Respondents



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Prayer : Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondents herein with appropriate terms for willful and deliberate disobedience of the directions of this Court order dated 05.04.2023 in W.A.No.76 of 2020.

For Petitioner : No appearance

For Respondents : Mr.U.M.Ravichandran
Special Government Pleader

ORDER

(Order of the Court was made by Dr. ANITA SUMANTH.,J)

Read this order in continuation of and in conjunction with order dated 08.01.2025 that reads as follows:-

"Read this order in continuation of and in conjunction with order dated 12.12.2024, which is extracted below:

No appearance for the petitioner.

2. Contempt is apparent from the records.

3. As early as on 05.07.2024, the learned Special Government Pleader had undertaken that the directions under order dated 05.04.2023 would be complied. On account of their inaction, statutory notice was issued by our predecessors to R1 & R2 on 13.11.2024.

4. Today, Mr.Neethi Perumal, learned Government Advocate, states that R3 is present before this Court, when, in fact, his presence was not sought at all. R1 and R2, to whom statutory notice has been issued are absent as they are stated to have retired on 30.06.2024 and 31.10.2024, respectively.

5. The aforesaid trajectory of events reveal contempt evident on the face of the record. This will be addressed at the time of final hearing. That apart, even the directions have not been complied thus far.

6. Final opportunity is given to respondents to comply with the directions and report compliance on 08.01.2025 when the matter is next listed for hearing. It is made clear that R1 and R2 will appear before this Court on



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08.01.2025 or if absent they will be secured.

2. In compliance, Mr.P.Ambikapathi and Mr.G.Thiyagarajan are present in Court today and their presence is recorded. Their presence is dispensed with for all future hearings.
3. As far as the compliance aspect is concerned, final opportunity was given to the State to comply with the directions and report compliance on 08.01.2025.
4. Today, Mr.U.M.Ravichandran, learned Special Government Pleader appearing for the State would submit that there is no compliance. He puts forth the peculiar argument that the present incumbents in the post, were of the view that only the erstwhile officials are arrayed in the Contempt Petition and hence there was no need to comply.
5. We deprecate such a stand, particularly in view of the fact that the learned Special Government Pleader has been in appearance since 05.07.2024 when the matter has been listed for hearing.
6. The present incumbents, namely, M.K.C.Shubhasini, Chief Educational Officer, Koranadu, Mayiladuthurai, Mayiladuthurai District and C.Shanthi, District Educational Officer (Secondary), Cutchery Road, (Senthil Pipe Agency Upstair), Mayiladuthurai, Mayiladuthurai District are impleaded as R4 and R5 in the Contempt Petition. In fact, there is no real necessity to implead the aforesaid persons as it is incumbent upon the State to comply with this Court's orders without raising such frivolous and hyper-technical arguments.
7. Issue Statutory notice to the newly impleaded R4 and R5, returnable 21.01.2025. Proof of service be placed on file.
8. Newly impleaded R4 and R5 shall be present in Court on 21.01.2025 at 12.00 noon, failing which they shall be secured and produced before the Court.
9. In light of non-compliance of directions at paragraph 6 of order dated 12.12.2024, the State is put to terms and shall pay a sum of Rs.10,000/- (Rupees ten thousand only) to the Contempt Petitioner, prior to the next date of hearing and file memo of compliance.
10. It is made clear that compliance of directions at paragraph 6 of order dated 12.12.2024 shall be effected prior to the next date of hearing and shall



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be reported before this Court on 21.01.2025.

11. Mr.Ravichandran incidentally represents that the State has lodged a Special Leave Petition bearing Diary No.61373 of 2024 on 31.12.2024 with a delay of more than 1 1/2 years as against order of the Division Bench dated 05.04.2023 in W.A.No.76 of 2020.

12. List on 21.01.2025 at 12 noon."

2. Today, there is no appearance on behalf of the contempt petitioner.

3. Mr.U.M.Ravichandran, learned Special Government Pleader, confirms that the condition at paragraph 9 in respect of the payment of costs has been complied and a memo of compliance has also been filed. This is recorded.

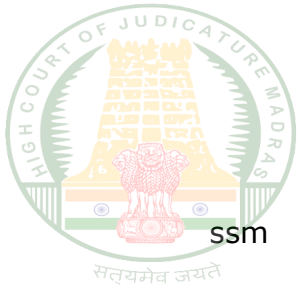
4. As regards the direction for appearance of some of the respondents viz., M.K.C.Shubhasini, Chief Educational Officer, Koranadu, Mayiladuthurai, Mayiladuthurai District and C.Shanthi, District Educational Officer (Secondary), Cutchery Road, (Senthil Pipe Agency Upstair), Mayiladuthurai, Mayiladuthurai District, appear and their presence is noted.

5. Mr.U.M.Ravichandran, would further submit that there has been full compliance of the directions under order dated 05.04.2023. This is also recorded.

6. In light of the aforesaid, and as nothing further survives, this contempt petition is closed. No costs.

[A.S.M., J] [G.A.M., J]
21.01.2025

Index:Yes/No
Neutral Citation:Yes



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DR. ANITA SUMANTH.,J.
and
G. ARUL MURUGAN.,J.

ssm

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