



Sub Application (MD)No.15 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

Sub Application (MD)No.15 of 2025

In

Contempt Petition (MD)No.652 of 2023

In

W.P.(MD)No.15876 of 2022

Hidhayathul Islam Higher Secondary School,
Represented by its Manager,
Kadayanallur - 627 751,
Tenkasi District.

Petitioner/Petitioner/Writ Petitioner

Vs

1.Mrs.L.Rajini,
The Chief Educational Officer,
Tenkasi, Tenkasi District.

2.Mrs.K.Amala Thangathaai,
The District Educational Officer,
Now Re-Designated as,
The District Educational Officer (Secondary),
Tenkasi, Tenkasi District.

Contemnors/Contemnors/Respondents

PRAYER: Petition is filed under Section 11 of Contempt of Courts Act, 1971, r/w Section 151 of CPC, to reopen the Contempt Petition (MD)No.652 of 2023 dated 22.10.2024.

For Petitioner : Mr.T.Pon Ramkumar

For Respondents : Mr.F.Deepak
Special Government Pleader



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ORDER

This petition has been filed to reopen the Contempt Petition (MD)No.652 of 2023 dated 22.10.2024.

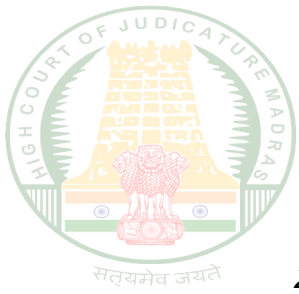
2. Heard Mr.T.Pon Ramkumar, learned counsel for the Petitioner and Mr.F.Deepak, learned Special Government Pleader, accepts notice on behalf of the Respondents.

3. When the matter was taken up for hearing on 25.02.2025, this Court passed the following order:

Heard Mr.T.Pon Ramkumar, learned counsel for the Petitioner and Mr.F.Deepak, learned Special Government Pleader, accepts notice on behalf of the Respondents.

2. This petition has been filed to reopen the Contempt Petition (MD)No.652 of 2023.

3. Mr.T.Pon Ramkumar, the learned counsel for the petitioner, submits that the Contempt Petition (MD) No. 652 of 2023 was closed on 22.10.2024 due to the respondents' misrepresentation of facts before this Court. When the Contempt Petition was taken up for hearing on 22.10.2024, the respondents submitted that they had fully complied with the judgment and order passed by this Court on 02.09.2022 in W.P. (MD) No. 15876 of 2022, wherein a direction was given to "the Educational Authorities to forthwith pass orders, approving the appointment of Mrs.A.S.Haleema Banu to the post of B.T.Assistant (Maths) in the Petitioner School with effect from



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24.06.2021, together with all service and monetary benefits within a period of four weeks from the date of receipt of a copy of this order". The learned counsel for the petitioner further submits that the 2nd respondent appeared in person before this Court with an order dated 21.10.2024, while the 1st respondent failed to appear, citing hospitalization. The order dated 21.10.2024 purportedly shows that the order passed by this Court on 02.09.2022 has been fully complied with.

4. Considering the order dated 21.10.2024 and the statement made by the 2nd Respondent, who appeared in person before this Court on that date, this Court finally closed the Contempt Petition by order dated 22.10.2024 and the same is reproduced below:

"This contempt petition has been filed alleging non-compliance of the order, dated 02.09.2022 passed by this Court in W.P.(MD)No. 15876 of 2022.

2. The learned counsels on either side submitted that the order passed by this Court in W.P.(MD)No. 15876 of 2022, dated 02.09.2022 has been complied with by the second respondent vide proceeding Na.Ka.No.6130/अ/2/2024, dated 21.10.2024 subject to the outcome of Review No. 31 of 2024. The said submissions are recorded.

3. This Court vide order, dated 24.09.2024 issued statutory notice to the respondents. Today, when the matter was taken up for hearing, the second respondent appeared before this Court and her appearance is dispensed with. In regard to the first respondent, the learned Government Advocate for the respondents submitted that the first respondent is hospitalized and he is unable to appear before this Court.



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4. In view of the above, nothing survives for adjudication and accordingly, this contempt petition stands closed.”

5. The learned counsel for the Petitioner further submits that after the order dated 22.10.2024 was passed by this Court, the Respondents took a contradictory stance, and another order dated 14.11.2024 was passed, which curtailed the benefits granted by the earlier order dated 21.10.2024. Consequently, the order passed by this Court was not complied with, as evident from the order dated 14.11.2024. Thus, the learned counsel submits that the Respondents have committed fraud upon this Court and are in contempt again. They should be punished for non-compliance with the order dated 21.10.2024, which is at Page No.112. He submits that Respondents may be summoned before this Court and punished for committing contempt.

5. Mr.F.Deepak, the learned Special Government Pleader appearing on behalf of the Respondents, submits that there appears to be some confusion in passing the second order dated 14.11.2024. He assures this Court that whatever order passed by this Court will be fully complied with and requests three days' time to ensure compliance with the said order.

6. In view of the assurance given by Mr.F.Deepak, learned Special Government Pleader, this Court grants the Respondents three days time to fully comply with the order dated 02.09.2022 and the order dated 21.10.2024 without fail and file an affidavit of compliance in this regard. If the Respondents fail to comply with the said order within the stipulated time frame, they are directed to appear in person before this Court on the next fixed date.

7. Put up this case on 28.02.2025 “For Orders”.



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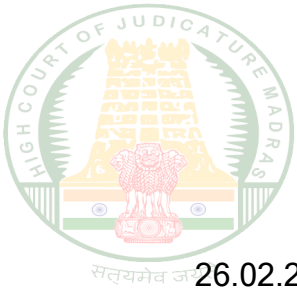
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8. Let a copy of this order is given to Mr.F.Deepak, learned Special Government Pleader for its necessary compliance and information to the Respondents.

4. In compliance with the order dated 02.09.2022 passed by this Court in W.P.(MD)No.15876 of 2022 and the order dated 25.02.2025 passed in the present petition, the respondents have issued an order dated 26.02.2025, thereby complying with the directions of this Court.

5. Mr.F.Deepak, the learned Special Government Pleader, submits that the order passed by this Court on 02.09.2022 in W.P.(MD)No.15876 of 2022 has been complied with. He has produced a copy of the compliance affidavit filed by the 2nd Respondent, annexing a copy of the compliance order dated 26.02.2025, which has been taken on record. In view of the compliance, he prays that the Respondents be discharged from the contempt proceedings.

6. Mr.T.Pon Ramkumar, the learned counsel for the Petitioner submits that the Respondents have approved the appointment of the Petitioner in the post of B.T.Assistant (Maths) and provided the entire monetary benefits as directed by this Court vide order dated 02.09.2022 in W.P.(MD)No.15876 of 2022. Consequently, the Respondents have fully complied with the Court's order, and the Petitioner has also received the compliance order dated



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26.02.2025. The counsel further states that he has no objection to discharging the Respondent from the contempt proceedings.

7. In view of the submissions made by the learned counsel for the Petitioner and the learned Special Government Pleader for the Respondents and upon perusal of the order dated 26.02.2025 passed by the Respondents, as well as the statement made by the learned counsel for the Petitioner that the entire benefits as well as the approval have been granted to the Petitioner in compliance with the order dated 02.09.2022 in W.P.(MD)No.15876 of 2022, this Court deems it appropriate to dispose the present petition, as no useful purpose would be served by keeping them pending. Accordingly, the Respondents are discharged from the contempt proceedings.

8. In view of the above, the Sub Application is disposed of. Connected miscellaneous petition, if any, stands closed. The file shall be consigned to record. No costs.

28.02.2025

Nsr



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To:

- 1.The Chief Educational Officer,
Tenkasi, Tenkasi District.
- 2.The District Educational Officer,
Now Re-Designated as,
The District Educational Officer (Secondary),
Tenkasi, Tenkasi District.



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SHAMIM AHMED, J.

Nsr

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