



CONT.P(MD)No.654 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.06.2025

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THE HONOURABLE MR.JUSTICE **SHAMIM AHMED**

CONT.P(MD) No.654 of 2024

in

W.P.(MD) No.1296 of 2017

S.Juliya

... Petitioner

vs.

1.Rama

District Elementary Educational Officer,
Now District Educational Officer (Elementary),
Tuticorin District.

2.Jayavathi Rathinavathi,

Assistant Elementary Educational Officer,
Now Block Educational Officer,
Udangudi,
Tuticorin District.

... Respondents

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Court to punish the respondents for their wilful deliberate disobedience of the order passed by this Court in Rev.App.(MD) No.35 of 2017 dated 27.06.2017 in W.P.(MD) No.1296 of 2017, dated 23.02.2017.

For Petitioner :Mr.V.Panneer Selvam

For Respondents :Mr.D.Sadiq Raja
Additional Government Pleader



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ORDER

This Contempt Petition has been filed with the prayer that the respondents/contemnors have not complied with the judgment and order passed by this Court in Rev.App.(MD) No.35 of 2017, dated 27.06.2017 and in W.P.(MD) No.1296 of 2017, dated 23.02.2017.

2.Heard Mr.V.Panneer Selvam, learned counsel for the petitioner and Mr.D.Sadiq Raja, learned Additional Government Pleader for the respondents.

3.The Co-ordinate Bench of this Court in Rev.App.(MD) No.35 of 2017 in W.P.(MD) No.1296 of 2017, vide order dated 27.06.2017, had passed the following order:-

“6.In the light of the above judgment, the order dated 23.02.2017 passed by this Court in W.P.(MD) No.1296 of 2017 is reviewed and recalled and W.P.(MD) No.1296 of 2017 is allowed. A direction is issued to the 1st respondent to consider the proposal sent by the 3rd respondent school, seeking to approve the appointment of petitioner as Secondary Grade Teacher in the 3rd respondent school with effect from 13.04.2016 in the light of the above said Division Bench Judgment in W.A(MD)Nos.639 of 2015 etc., dated 17.06.2015 and to pass order of approval, within a period of four weeks from the date of receipt of a copy of this order. No costs.”



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4.Further, this Court, vide order dated 23.04.2025, in Cont.P.(MD) No.

654 of 2024, had passed the following order:-

“Heard Mr.V.Panneer Selvam, learned counsel for the Petitioner and Mr.F.Deepak, learned Special Government Pleader, accepts notice on behalf of the Respondents. Therefore, no further notice is required to be issued to the Respondents.

2.Mr.V.Panneer Selvam, learned counsel for the petitioner, submits that the petitioner has filed the present contempt petition for non compliance of the judgment and order passed by the Writ Court in Review Application (MD)No.35 of 2017 in W.P.(MD) No. 1296 of 2017 and the learned Single Judge of this Court vide order dated 27.06.2017 was pleased to make the following observations:

“6.In the light of the above judgment, the order dated 23.02.2017 passed by this Court in W.P.(MD) No.1296 of 2017 is reviewed and recalled and W.P.(MD) No.1296 of 2017 is allowed. A direction is issued to the 1st respondent to consider the proposal sent by the 3rd respondent school, seeking to approve the appointment of petitioner as Secondary Grade Teacher in the 3rd respondent school with effect from 13.04.2016 in the light of the above said Division Bench Judgment in W.A(MD)Nos.639 of 2015 etc., dated 17.06.2015 and to pass order of approval, within a period of four weeks from the date of receipt of a copy of this order. No costs.”

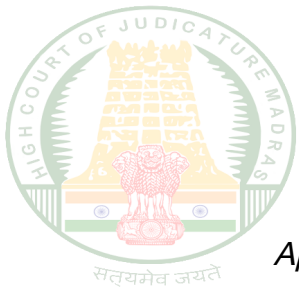


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3. *The learned counsel for the Petitioner further submits that despite the judgment and order passed by this Court dated 27.06.2017 in Review Application (MD)No.35 of 2017 in W.P.(MD) No. 1296 of 2017, the Respondents have not complied with the directions of this Court and they have wilfully and deliberately flouting the orders passed by this Court. Thus, the learned counsel submits that the Respondents are in contempt. He also submits that the Respondents may be summoned before this Court and punished for committing contempt by exercising the powers under Sections 11 and 12 of the Contempt of Courts Act, 1971.*

4. *Upon perusing the judgment and order passed by this Court dated 27.06.2017 in Review Application (MD)No.35 of 2017 in W.P.(MD) No. 1296 of 2017 as well as the affidavit filed in support of the contempt petition, which states that the respondents have not complied with the orders of this Court, this Court is of the view that the respondents appear to have wilfully and deliberately disobeyed the order of this Court. Consequently, this Court deems it necessary to initiate proceedings against the respondent for his alleged non-compliance with the said orders.*

5. *At this juncture, Mr.F.Deepak, learned Special Government Pleader for the Respondents, request time to ensure compliance with the Court's judgments dated 27.06.2017 in Review*



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Application (MD)No.35 of 2017 in W.P.(MD) No. 1296 of 2017. He also assure this Court that whatever order is passed by this Court will be fully complied with and requests three weeks 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 a final opportunity to comply with the judgment and order of this Court dated 27.06.2017 in Review Application (MD)No.35 of 2017 in W.P. (MD) No. 1296 of 2017, without fail, within three weeks from today. The Respondents are directed to communicate the decision taken by them to the Petitioner through RPAD and to file an affidavit of compliance in this regard before this Court on or before the next date fixed. Failure to comply with the said order within the stipulated time frame will necessitate the Respondent's personal appearance before this Court on the next fixed date.

7. Put up this case on 05.06.2025 "For Orders" before the appropriate bench.

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. "



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5.Today, when the matter is taken up, Mr.D.Sadiq Raja, learned Additional Government Pleader for the respondents, has produced a copy of the order passed by the first respondent dated 04.06.2025, in which it has been stated that the judgment and order passed by this Court in Rev.App. (MD) No.35 of 2017, dated 27.06.2017 and in W.P.(MD) No.1296 of 2017, dated 23.02.2017 has been fully complied with. A copy of the order dated 04.06.2025 has been produced before this Court, which is taken on record and a copy of the same has also been given to the learned counsel for the petitioner.

6.The learned Additional Government Pleader further submits that the respondents have already granted approval to the appointment of the petitioner for the post of Secondary Grade Teacher in the third respondent school with effect from 13.04.2016. He further assures this Court that all services and monetary benefits payable by the respondents will be paid in accordance with law in the account of the petitioner within six weeks from today. Thus, he submits that the respondents may be discharged from the present contempt proceedings, as the judgment and order of this Court dated 27.06.2017 and 23.02.2017 has been fully complied with by the first respondent, vide order dated 04.06.2025.



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7.Mr.V.Panneer Selvam, learned counsel for the petitioner, submits that he has received a copy of the order passed by the first respondent, dated 04.06.2025 and submits that the respondents have made full compliance of the judgment and order passed by this Court in Rev.App.(MD) No.35 of 2017, dated 27.06.2017 and in W.P.(MD) No.1296 of 2017, dated 23.02.2017.

8.He further submits that the petitioner's appointment for the post of Secondary Grade Teacher was approved by the respondents with effect from 13.04.2016. Thus, he submits that he has no objection, if the respondents are discharged from the present contempt proceedings at this stage, as the judgment and order of this Court dated 27.06.2017 and 23.02.2017 has been fully complied with by the first respondent, vide order dated 04.06.2025 and the present Contempt Petition may also be disposed of. It was further submitted that a positive direction may be given to the respondents to grant all services and monetary benefits payable to the petitioner within the time frame fixed by this Court.

9.Accordingly, in view of the submissions made by the learned counsel for the parties, after perusal of the judgment and order passed in Rev.App. (MD) No.35 of 2017, dated 27.06.2017 and in W.P.(MD) No.1296 of 2017, dated 23.02.2017 and after perusal of the order passed by the first respondent, dated 04.06.2025, this Court satisfied that the direction issued by



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this Court in Rev.App.(MD) No.35 of 2017, dated 27.06.2017 and in W.P.(MD) No.1296 of 2017, dated 23.02.2017 has been fully complied with by the respondents and there is no justification in continuing the present contempt proceedings against the respondents.

10.Accordingly, the Contempt Petition is finally disposed of at this stage and the respondents are discharged from the present contempt proceedings. It is made clear that the respondents shall credit all services and monetary benefits in the account of the petitioner in accordance with law within a period of six weeks from today without any further delay. The file is consigned to record. No costs.

Index :Yes / No
Internet :Yes / No
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19.06.2025

To

- 1.District Elementary Educational Officer,
Now District Educational Officer (Elementary),
Tuticorin District.
- 2.Assistant Elementary Educational Officer,
Now Block Educational Officer,
Udangudi,
Tuticorin District.



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SHAMIM AHMED, J.

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