



CONT.P(MD)No.216 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2025

CORAM

THE HONOURABLE MR.JUSTICE **SHAMIM AHMED**

CONT.P(MD) No.216 of 2023

in

W.P.(MD) No.5351 of 2018

The Manager & Correspondent
Carpenter Street Middle School,
Gopalasamy Street,
Thoothukudi-628 001,
Thoothukudi District.

... Petitioner

vs.

M.Udhyakumar
The District Educational Officer(Elementary)
Tuticorin at Pudhukottai,
Tuticorin District.

... Respondent

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Court to punish the Contemnor/respondent herein for his deliberate and wilful disobedience of the order of this Court dated 29.08.2022, in W.P.(MD).No. 5351 of 2018.

For Petitioner :Ms.R.G.Angelin Esther
for M/S.Isaac Chambers

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



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ORDER

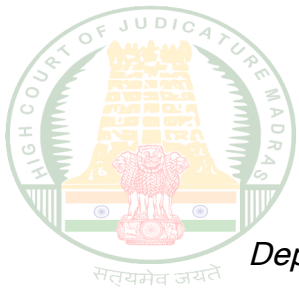
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This Contempt Petition has been filed to punish the contemnor/respondent for wilfully disobeying and not complying with the order of this Court passed in W.P(MD) No.5351 of 2018, dated 29.08.2022.

2.Heard Ms.R.G.Angelin Esther, learned counsel for M/S.Isaac Chambers for the petitioner and Mr.D.Sadiq Raja, learned Additional Government Pleader for the respondent.

3.The Hon'ble Writ Court, vide judgment and order dated 29.08.2022, had disposed of the aforesaid writ petition with the following directions:-

“9. When the status of a minority institution has been declared, such status would revert back to the date of its establishment, since the minority status by itself is enshrined under Article 30 of the Constitution of India, which is not only a constitutional right of the institution, but also a fundamental right. A mere declaration of the existing right would not give rise to a cause of action to the respondents to restrict the minority status from the date of such declaration. Incidentally, the petitioner was constrained to approach this Court, seeking for declaration of the minority status in view of the Government's disinclination to declare such pre-existing status. Likewise, the petitioner was further constrained to challenge the Government Order limiting such minority status to five years and this litigation also was owing to the Government's misinterpretation of this legal position. The consequent passing of G.O.Ms.No.96, School Education (NI.VA.2)



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Department, dated 20.06.2013, will not amount to a fresh declaration of the minority status of the petitioner's school, but rather a ratification of the pre-existing right of the school. Thus, the impugned order, approving the appointment of Mr.D.Arul Prakash from the date of G.O.Ms.No.96, School Education (NI.VA.2) Department, dated 20.06.2013, is not only misconceived, but also illegal.

10. For all the foregoing reasons, the impugned order issued by the fourth respondent, District Elementary Educational Officer in Ni.Mu.No. 1840/A4/2017, dated 25.07.2017, is set aside, insofar as it restricts the approval of such appointment between 18.08.2010 and 19.06.2013. Consequently, there shall be a direction to the fourth respondent herein to pass appropriate orders, approving the petitioner's appointment to the post of B.T.Assistant (History), for the period between 18.08.2010 and 19.06.2013, together with all service, monetary and other attendant benefits, within a period of four (4) weeks from the date of receipt of a copy of this order."

4.The learned counsel for the petitioner submits that despite the judgment and order passed by this Court in W.P.(MD)No.5351 of 2018, dated 29.08.2022, the respondent has not complied with the directions of this Court. Thus, being no other alternative, the present Contempt Petition has been filed with the prayer that the respondent/contemnor has wilfully and deliberately flouted the order passed by this Court and is in contempt of the judgment and order of this Court dated 29.08.2022. Thus, he should be summoned and punished by exercising the powers under Sections 11 and 12 of the Contempt of Courts Act, 1971.



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5.Today, when the matter is taken up, Mr.D.Sadiq Raja, learned Additional Government Pleader for the respondent has filed an affidavit of compliance of the respondent, dated 18.07.2025, annexing a copy of the order passed by the respondent, dated 02.06.2025, in which it has been stated that the direction issued by the Writ Court in W.P.(MD) No.5351 of 2018, dated 29.08.2022 has been fully complied with and the entire monetary benefit has been paid to the petitioner and no amount is due to the petitioner.

6.In paragraph No.8 of the compliance affidavit, the aforesaid fact has been clearly stated, which reads as under:-

“ 8.In obedience to the order made in W.P.(MD).No.5351 of 2018 on the file of this Hon'ble Court dated 29.08.2022 the District Educational Officer (Elementary), Thoothukudi, vide his proceedings made in Na.Ka.No.38/A4/2022, dated 02.06.2025 complied the order in letter and spirit thereby approved the appointment of the writ petitioner post of B.T.Assistant (History) for the period between 18.08.2010 to 19.06.2013. he monetary benefits were also been paid.”

7.A copy of the compliance affidavit filed by the respondent, dated 18.07.2025 has been produced before this Court, which is now taken on record and a copy of the same has also been given to the learned counsel for the petitioner.

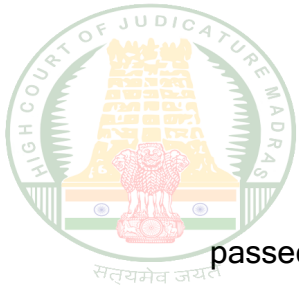


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9.Ms.R.G.Angelin Esther, learned counsel for M/S.Isaac Chambers for the petitioner submits that she has received a copy of the compliance affidavit filed by the respondent, dated 18.07.2025, annexing a copy of the Order passed by the respondent dated 02.06.2025 and has no objection, if the respondent is discharged from the contempt proceedings, as the judgment and order of this Court dated 29.08.2022 has been complied with by the respondent, vide order dated 02.06.2025. He further submits that the entire monetary benefit due to the petitioner has already been paid to the petitioner and as of now, no amount is due to the petitioner.

10.Accordingly, in view of the submissions made by the learned counsels for the parties and after perusal of the judgment and order made in W.P.(MD).No. 5351 of 2018 dated 29.08.2022 and the compliance affidavit filed by the respondent, dated 18.07.2025, annexing a copy of the order



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passed by the respondent, dated 02.06.2025 and also considering the fact that the entire monetary benefit has already been paid to the petitioner, this Court satisfied that the direction issued by this Court in W.P.(MD) No.5351 of 2018, dated 29.08.2022 has been fully complied with by the respondent and thus, no useful purpose will be served in continuing the present contempt proceedings against the respondent.

11. Accordingly, the Contempt Petition is finally disposed of and the respondent is discharged from the present contempt proceedings. No costs. The file is consigned to record.

Index :Yes / No
Internet :Yes / No

18.07.2025

vsg

To

M.Udhyakumar
The District Educational Officer(Elementary)
Tuticorin at Pudhukottai,
Tuticorin District.



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SHAMIM AHMED, J.

vsg

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