



Contempt Petition (MD)No.515 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

Contempt Petition (MD)No.515 of 2023

In

W.P.(MD)No.1527 of 2019

- 1.A.Roselin Indrabai,
W/o.C.Zophar,
13/5, Nantha Gopal Puram, West,
Tuticorin District - 628 002.
- 2.P.Chandrasekar,
D/o.K.Pandi,
No.9L/7a David Street Henry Road,
Nagarcoil, Kanyakumari District - 629 001.
- 3.S.M.Ponnin Selvan,
S/o.M.Selvaraj, 942F1, 6th Street,
TVS Nagar, Maharaja Nagar,
Palayam Kottai, Tirunelveli District - 627 011.
- 4.A.Immanuel Koilpillai,
S/o.K.Asirvathem,
6/10c Suyambu Linga Samy Koil Street,
Pandaravillai, Tuticorin District - 628 751.

...Petitioners/Petitioners

Vs

- 1.K.Nandhakumar, I.A.S.,
The Director of School Education,
Directorate of School Education, Chennai - 06.



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2.Dr.P.A.Naresh,
The Joint Director of School Education, (Personnel),
Directorate of School Education, Chennai - 06.

3.R.Sudhan, I.A.S.,
The Additional Project Director II (Samagra Shiksha),
Rashtriya Madhamik Shiksha Abhiyan (RMSA),
DPI Compound,
College Road, Chennai - 06.

...Contemnors/Respondents 3 to 5

PRAYER: Contempt Petition is filed under Section 11 of Contempt of Courts Act, to punish the Contemnors/Respondents 3 to 5 for willfully disobeying and not complying with the order passed by this Court in W.P(MD)No.1527 of 2019, dated 23.12.2021.

For Petitioners : Mr.S.Louis

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

ORDER

This Contempt Petition has been filed with the prayer that the respondents/contemnors have not complied with the judgment and order passed by the Writ Court in W.P.(MD) No.1527 of 2019, dated 23.12.2021.

2.Heard Mr.I.Anthony Prabu for Mr.S.Louis learned counsel for the petitioners and Mr.D.Sadiq Raja, learned Additional Government Pleader, for the Respondents.



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3.This Court, vide order dated 07.08.2025, had passed the following order:-

“Heard Mr.S.Louis, learned counsel appearing for the Petitioners and Mr.D.Sadiq Raja, learned Additional Government Pleader accepts notice on behalf of the Respondents. Therefore, no further notice is required to be issued to the Respondents.

2. Mr.S.Sukumar, learned counsel for the Petitioners, submits that the Petitioners claim to have been regularized in the post of B.T.Assistant (Inclusive Education for the Disabled at Secondary Stage) for RMSA (Rashtriya Madhyamik Shiksha Abhiyan) under the administrative structure of Samagra Shiksha in the posts sanctioned as per G.O. (Ms).No.28, School Education Department, dated 30.01.2015. Despite submitting representation dated 20.09.2018 in this regard, no action was taken. Having no alternative, the Petitioners filed W.P.(MD)No.1527 of 2019 and the learned Single Judge of this Court vide order dated 23.12.2021 disposed of the aforementioned Writ Petition. For better appreciation, the relevant portion of the order is reproduced below:

“18. In fine, a direction is issued to the State to frame Rules as envisaged in the above Government Order within a period of twelve weeks from today. The Rules must contain proper protection, and provisions for identification and absorption of those candidates who have the necessary credentials and have been appointed in government positions of Educator/Special Educator/Instructor for children with special needs, by whatever name or nomenclature called, even prior to the issuance of the aforesaid Government Order.

19. Simultaneous therewith, the petitioners' representation dated 20.09.2018 be considered, the petitioners heard and their appointments



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be regularized subject to verification of their educational qualifications and all other relevant considerations, within a period of twelve (12) weeks from today.

20. This Writ Petition is disposed as above. No costs. Consequently, connected Miscellaneous Petition is closed.”

3.The learned counsel for the Petitioners further submits that despite the judgment and order passed by the Writ Court on 23.12.2021 in W.P. (MD)No.1527 of 2019, the Respondents have neither decided the Petitioners' representation nor regularized their services as B.T. Assistants (Inclusive Education for the Disabled at Secondary Stage) and they have wilfully and deliberately flouting the orders passed by this Court. Thus, the learned counsel submits that the Respondents are in contempt and they 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.Mr.D.Sadiq Raja, learned Additional Government Pleader for the Respondents, produced a Government Order in G.O.(Ms)No.144, School Education (SE(2)) Department, dated 17.06.2025, and submits that rules have been framed and the Petitioners' representation, along with other grievances, is currently under consideration with the Respondents. A copy of the said Government Order has been taken on record and furnished to the learned counsel for the Petitioner.

5.The learned Additional Government Pleader requests time to ensure compliance with the judgment and order of the Writ Court dated 23.12.2021 in W.P. (MD)No.1527 of 2019. He also assure this Court that whatever order is passed by this Court will be fully complied with and



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requests ten days time to ensure compliance with the said order. In this regard, he undertakes to file a compliance affidavit along with the decision taken by the Respondents on or before the next date fixed.

6.The learned counsel for the Petitioner has no objection to the request made by the learned counsel for the Petitioner.

7.In view of the assurance made by the learned Additional Government Pleader, this Court grants the Respondents a final opportunity to comply with the judgment and order of the Writ Court dated 23.12.2021 in W.P.(MD)No.1527 of 2019, without fail, within a period of ten days from today.

8.The Respondents are directed to communicate their decision to the Petitioners and file an affidavit of compliance on the next date fixed. Failure to comply with this order within the stipulated timeframe will require the Respondents to appear in person before this Court on the next date fixed to explain why the order of the Writ Court has not been complied with and thereafter this Court will proceed to initiate the contempt proceedings against the Respondents.

9. Put up this case on 05.08.2025 "For Orders" before this Court.

10. Let a copy of this order be given to Mr.D.Sadiq Raja, learned Additional Government Pleader for its necessary compliance and information to the Respondents. "

4.The learned counsel for the petitioners submits that despite the judgment and order passed by this Court in W.P.(MD)No.1527 of 2019, dated 23.12.2021, the respondents have not complied with the directions of this Court. Thus, being no other alternative, the present Contempt Petition has been

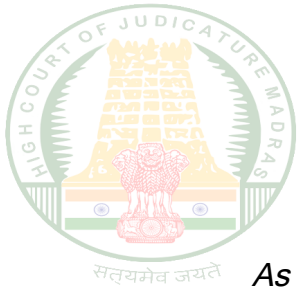


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filed with the prayer that the respondents/contemnors have wilfully and deliberately flouted the order passed by this Court and are in contempt of the judgment and order of this Court dated 23.12.2021. Thus, they should be summoned and punished by exercising the powers under Sections 11 and 12 of the Contempt of Courts Act, 1971.

5.Today, when the matter is taken up, Mr.D.Sadiq Raja, learned Additional Government Pleader for the respondents submits that in compliance of the judgment and order passed in W.P.(MD) No.1527 of 2019, dated 23.12.2021, the Additional District Project Director, Chennai, has considered the claim and grievances of the petitioners and vide order dated 22.07.2025, has rejected the claim of the petitioners on merits and in accordance with law. In this regard, he filed an affidavit of compliance, dated 07.08.2025, annexing a copy of the decision taken by the Additional District Project Director, Chennai, dated 22.07.2025. In paragraph No.6 of the compliance affidavit, the aforesaid fact has been clearly stated, which reads as under:-

"6. In obedience to the order made in W.P.(MD).No.1527 of 2019, on the file of this Hon'ble Court dated 23.12.2021, the Additional District Project Director, Chennai vide proceedings made in Na.Ka.No. 3893/A3/??????/2024 dated 22.07.2025 considered the claim of the petitioner on merits in accordance with law thereby rejected the same.



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As per the direction government also framed rules. Thus the order passed by this Hon'ble Court has been complied with in letter and spirit.”

6.Thus, the learned Additional Government Pleader submits that the judgment and order passed by this Court in W.P.(MD)No.1527 of 2019, dated 23.12.2021 has been fully complied with. Thus, he submits that the respondents may be discharged from the present contempt proceedings, as the judgment and order of this Court dated 23.12.2021 has been fully complied with, vide order dated 22.07.2025.

7.The compliance affidavit filed by the respondents, dated 07.08.2025 is taken on record and a copy of the same has also been given to the learned counsel for the petitioners.

8.Mr.I.Anthony Prabu for Mr.S.Louis learned counsel for the petitioners submits that he has received a copy of the compliance affidavit filed by the respondents, dated 07.08.2025 along with a copy of the decision taken by the Additional District Project Director, Chennai, dated 22.07.2025, by which, the claim of the petitioners has been rejected by way of a reasoned and a speaking order. Thus, he submits that he may be given liberty to challenge the aforesaid



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order before the competent Court of law. It was further submitted that as the order has been communicated to the petitioners, he has no objection if the respondents are discharged from the present contempt proceedings and the present Contempt Petition may also be disposed of.

9. Accordingly, in view of the submissions made by the learned counsel for the parties, after perusal of the judgment and order passed in W.P.(MD) No. 1527 of 2019, dated 23.12.2021 and the compliance affidavit filed by the respondents, dated 07.08.2025, annexing a copy of the decision taken by the Additional District Project Director, Chennai, dated 22.07.2025, this Court is satisfied that the direction issued by this Court in W.P.(MD) No.1527 of 2019, dated 23.12.2021 has been fully complied with by the respondents and no useful purpose will be served in continuing with the present contempt proceedings against the respondents.

10. Accordingly, the Contempt Petition is finally disposed of with liberty to the petitioners to challenge the aforesaid order of the Additional District Project Director, Chennai dated 22.07.2025, by which, the petitioners' claim was rejected by way of a reasoned and a speaking order, before the competent



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Court of law, if they so desire and the respondents are discharged from the present contempt proceedings. The file is consigned to record. No costs.

07.08.2025

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To:

- 1.The Director of School Education,
Directorate of School Education, Chennai - 06.
- 2.The Joint Director of School Education, (Personnel),
Directorate of School Education, Chennai - 06.
- 3.The Additional Project Director II (Samagra Shiksha),
Rashtriya Madhamik Shiksha Abhiyan (RMSA),
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SHAMIM AHMED, J.

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