



Contempt Petition (MD)No.738 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2025

CORAM:

THE HONOURABLE **MR.JUSTICE SHAMIM AHMED**

Contempt Petition (MD)No.738 of 2025

In

W.P.(MD)No.6759 of 2021

V.Monimozhi,
Secondary Grade Teacher,
Panchayat Union Middle School,
Koovakkapatty,
Vedasandur Union,
Dindigul District.

Petitioner / Writ Petitioner

Vs

Mr.T.John Britto,
District Educational Officer,
O/o.The District Educational Office,
Vedasandur,
Dindigul District.
Now Redesignated as
Mr.T.John Britto,
District Educational Office (Elementary),
Oddanchatram,
Dindigul District.

Contemnor/5th Respondent



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PRAYER: Contempt Petition is filed under Section 11 of Contempt of Courts Act, to punish the Contemnor/5th Respondent for willfully disobeying and not complying with the order passed by this Court in W.P.(MD)No.6759 of 2021, dated 05.09.2024.

For Petitioner : Mr.H.Mohammed Imran
and Ms.R.Affrin Fathima
For M/s.Ajmal Associates

For Respondent : Mr.F.Deepak
Special Government Pleader

ORDER

This is a petition seeking initiation of contempt proceedings against the Respondent for violation of the order, dated 05.09.2024 passed by the Writ Court in W.P.(MD)No.6759 of 2021.

2. Heard Mr.H.Mohammed Imran, learned counsel and Ms.R.Affrin Fathima, learned counsel for M/s.Ajmal Associates, appearing for the Petitioner and Mr.F.Deepak, learned Special Government Pleader, who accepts notice on behalf of the Respondent.



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3. When the matter was taken up on 24.04.2025, this Court passed the following order:

“3. In compliance with the order passed by this Court dated 09.04.2025, Mr.T.John Britto, presently serving as the District Educational Office (Elementary), Oddanchatram, Dindigul District is present in person before this Court and has filed an affidavit of compliance.

4. Mr.F.Deepak, learned Special Government Pleader, appearing on behalf of the Respondent submits that proceedings regarding compliance with the orders passed by the Writ Court dated 05.09.2024 in W.P.(MD)No.6759 of 2021 and the Appellate Court dated 14.02.2025 in W.A.(MD)No.289 of 2025, have been initiated and forwarded to the concerned authorities.

5. Upon perusing the compliance affidavit submitted by Mr. T. John Britto, District Educational Officer (Elementary), Oddanchatram, Dindigul District, today, despite the clear directions given by this Court vide order dated 09.04.2025 in the present contempt petition, this Court remains unsatisfied with the explanation and affidavit filed by the District



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Educational Officer (Elementary), as it appears that he is merely passing the time and diluting the orders passed by this Court.

6. Mr.F.Deepak, learned Special Government Pleader, requests this Court to grant a last opportunity to comply with the orders passed by the Writ Court dated 05.09.2024 in W.P.(MD)No.6759 of 2021 and the Appellate Court dated 14.02.2025 in W.A.(MD)No.289 of 2025 as well as the order dated 09.04.2025 passed in the present contempt petition, within a period of two days from today. He assures the Court that the said orders will be complied with in its spirit and that all necessary efforts will be taken by the District Educational Office (Elementary) viz., Mr.T.John Britto, who is present before this Court.

7. Furthermore, Mr.T.John Britto, the District Educational Office (Elementary), request a final chance to comply the orders of this Court dated 09.04.2025 and assures the Court that he will comply with the orders passed by the Writ Court dated 05.09.2024 in W.P. (MD)No.6759 of 2021 and the Appellate Court dated 14.02.2025 in W.A.(MD)No.289 of 2025 as well as the order dated 09.04.2025 passed in the present contempt petition. He also undertakes to file a compliance affidavit along with the decision taken by them on or



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before the next date fixed by this Court.

8. On the assurance given by Mr.T.John Britto, the District Educational Office (Elementary) and by Mr.F.Deepak, learned Special Government Pleader, this court grants a last opportunity to the Respondent to comply with the orders passed by the Writ Court dated 05.09.2024 in W.P.(MD)No.6759 of 2021 and the Appellate Court dated 14.02.2025 in W.A.(MD)No.289 of 2025 as well as the order dated 09.04.2025 passed in the present contempt petition, within two days from today, without fail.

9. Mr.T.John Britto, presently serving as the District Educational Office (Elementary), Oddanchatram, Dindigul District, is directed to communicate the decision taken by them to the Petitioner on or before the next date fixed. Further, he is directed to appear in person before this Court along with a compliance affidavit and the decision taken by them on the next date fixed.

10. Put up this case on 29.04.2025 "For Orders" before this Court.

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



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4. Today, when the matter is being taken up, Mr.F.Deepak, learned Special Government Pleader for the Respondent, produced an order dated 24.04.2025, passed by the District Educational Officer, Vedasandu, Dindigul District. A copy of the order dated 24.04.2025 has been taken on record and furnished to the learned counsel for the Petitioner.

5. Mr.F.Deepak, learned Special Government Pleader for the Respondent, reiterated the averments made in the compliance affidavit and submits that the Respondent has fully complied with the judgment and order of the Writ Court dated 05.09.2024 in W.P.(MD)No.6759 of 2021 as well as the orders of this Court passed in the present Contempt Petition dated 09.04.2025 and 24.04.2025. Therefore, he prays that the Respondent be discharged from the contempt proceedings. For better appreciation, Paragraph Nos.6, 7 and 8 of the compliance affidavit, is reproduced below:

“6. I further submit that the Petitioner is claiming her service to be regularized citing the judgment of the similarly placed persons vide G.O.Ms.No.143 of School Education (S.2) Department dated 25.06.2007 and G.O. (3D).No.125 of School Education (G.2) Department dated



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28.09.2011 within the period that may be stipulated in this case. Based on the judgment by this Hon'ble Court, further proposal (from the Contemnor side) in favour of the Petitioner has been sent to Director of School Education (elementary) and the G.O in favour of the Petitioner has been under way. The proposal from the Contemnor side has been sent in favour of the Petitioner to the Director of School Education (elementary) on 19.03.2023 through R.C.No.214/A5/2024 dated 19.03.2025. In this regard three reminders dated 09.04.2025, 17.04.2025 and 21.04.2025 have been sent from the side of the Contemnor side. Preparation of the process is going at the office of the Director of Elementary Education.

7. Thereafter, the Director of Elementary Education, Chennai has sent a communication to the Principal Secretary to Government, School Education Department, Secretariat, Chennai through his proceedings in Na.Ka.No.006044/E4/2025 dated 22.04.2025 stating that already similarly placed person one Gangadharan who was appointed on the same date of appointment of the Petitioner i.e on 20.07.2004 who was granted prior preference and his date of appointment was changed from 20.07.2004 to 03.01.2002 and his service was regularized from 03.01.2002, hence through the above



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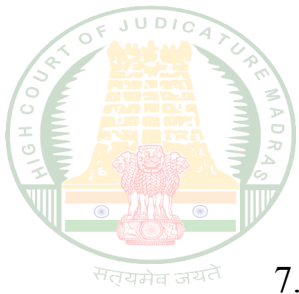


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communication the Director of Elementary Education sought opinion to extend the same procedure and benefit to the present Petitioner also and to pass an order in favour of the Petitioner and the same is pending for consideration and I am awaiting for the Government Order from the Secretary to the Government of School Education within a period of two weeks.

8. I further submit that therefore, in compliance of the order passed by this Hon'ble Court, I passed an order through my proceedings in Na.Ka.No.214/A5/2024 dated 24.04.2025.”

6. Mr.H.Mohammed Imran, learned counsel and Ms.R.Affrin Fathima, learned counsel for M/s.Ajmal Associates, appearing for the Petitioner, submits that the judgment and order passed by the Writ Court dated 05.09.2024, in W.P.(MD) No. 6759 of 2021 has been complied with by the 5th Respondent/ District Educational Officer, Veda sandu, Dindigul District and that in this regard, an order has also been issued, which was received by the Petitioner. He further states that he has no objection to the Respondent being discharged from the contempt proceedings.

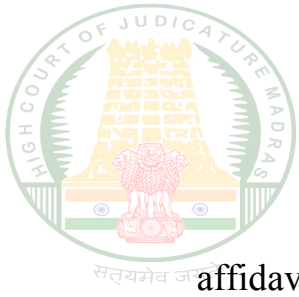


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7. The learned counsel for the Petitioner further submits as per the direction issued by this Court in the present Contempt Petition dated 24.04.2025, the service of the Petitioner as Secondary Grade Teacher has been regularized with effect from 03.01.2002. However, the Respondent has not granted revision of pay, thereby denying the petitioner the corresponding monetary benefits. Therefore, he prays that this Court may direct the Respondent to grant revision of pay and to pay the monetary benefits to the petitioner forthwith.

8. The learned Special Government Pleader submits that once an order has already been passed by this Court, it is the duty of the respondent to comply with the order. Thereafter, the respondent may consider the petitioner's claim with respect to revision of pay and all other monetary benefits. He also assures this Court that the same will be granted after completing other formalities within a period of four weeks from today.

9. Considering the submissions made by the learned counsel for the Petitioner and the learned Special Government Pleader for the Respondent, and upon perusal of the order dated 24.04.2025 and the compliance



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affidavit particularly in paragraph nos.6, 7 & 8, this Court is satisfied that the Respondent has fully complied with the judgment and order of the Writ Court dated 05.09.2024, in W.P.(MD)No.6759 of 2021. The learned Special Government Pleader has also assured that the revision of pay and the corresponding monetary benefits will be disbursed within a period of four weeks from today. In view of this assurance, this Court deems it appropriate to drop the contempt proceedings. Accordingly, the Respondent is discharged from the contempt proceedings at this stage.

10. In view of the above, the Contempt Petition is **disposed of** with a direction to the Respondent to grant revision of pay and disburse all other monetary benefits to the Petitioner, within a period of four weeks from today, without fail. The file shall be consigned to the record. There shall be no order as to costs.

29.04.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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The District Educational Officer,
O/o.The District Educational Office,
Vedasandur,
Dindigul District.
Now Redesignated as
Mr.T.John Britto,
District Educational Office (Elementary),
Oddanchatram,
Dindigul District.



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SHAMIM AHMED, J.

Nsr

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