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Contempt Petition (MD)No.567 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

Contempt Petition (MD)No.567 of 2025

In

W.P.(MD)No.24002 of 2022

C.Sither Raja David Samuel,
S/o.D.Christopher,
24 G, Valaiyady 1st Street,
Nazareth,
Thoothukudi District - 628 617.

Petitioner/Petitioner

Vs

Jeyakumar,
The Joint Director (Vocational),
Directorate of School Education,
DPI Compound, College Road,
Chennai - 600 006.

Contemnor/3rd Respondent

PRAYER: Contempt Petition is filed under Section 11 of Contempt of Courts Act, 1971, to punish the Contemnor/3rd Respondent for willfully disobeying and not complying with the order passed by this Court in W.P(MD)No.24002 of 2022, dated 01.10.2024.

For Petitioner : Mr.R.Saravanan

For Respondent : Mr.F.Deepak
Special Government Pleader



Contempt Petition (MD)No.567 of 2025

ORDER

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This is a petition seeking initiation of contempt proceedings against the Respondent for violation of the order, dated 01.10.2024 passed by this Court in W.P.(MD)No.24002 of 2022.

2. Heard Mr.R.Saravanan, learned counsel for the Petitioner and Mr.F.Deepak, learned Special Government Pleader for the Respondents.

3. Mr.R.Saravanan, learned counsel for the petitioner, submits that the petitioner was appointed as a Part Time Vocational Teacher on 20.09.1996 and was regularized in service with effect from 10.06.2002 by an order dated 22.05.2007. The petitioner's grievance is that, since he was fully qualified on the date of his appointment i.e., on 20.09.1996, he ought to have been regularized from 20.09.1996 or 05.10.1996, in light of G.O.Ms.No.834 dated 23.09.1994 and G.O.Ms.No.69 dated 20.03.2007. However, the respondents failed to regularize the petitioner's service. Having no alternative, the petitioner filed several representations, with the last one submitted on 23.07.2022. Since no action was taken by the Respondents to consider the representation, the Petitioner filed a Writ Petition in W.P.(MD)No.24002 of 2022. The learned Single Judge of this Court disposed of the aforementioned writ petition vide order dated 01.10.2024. For better appreciation, the relevant portion of the order dated 01.10.2024 in W.P.(MD) No. 24002 of 2022, is reproduced below:



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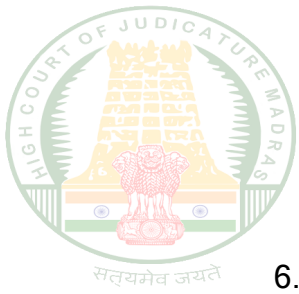


Contempt Petition (MD)No.567 of 2025

“5. Considering the limited prayer sought for by the petitioner, this Writ Petition is disposed of with a direction to the third respondent, to consider the representation of the petitioner dated 23.07.2022 on merits and in accordance with law and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petition is closed.”

4. The learned counsel for the petitioner further submits that, pursuant to the order passed by this Court, the petitioner has sent a representation dated 09.12.2024, along with the judgment and order passed by this Court dated 01.10.2024 in W.P.(MD)No.24002 of 2022. A copy of the acknowledgement receipt has also been produced before this Court in original.

5. The learned counsel for the Petitioner further submits that despite the judgment and order passed by this Court dated 01.10.2024 in W.P.(MD)No. 24002 of 2022, the Respondents have not complied with the directions of of this Court and they have wilfully and deliberately flouting the orders passed by this Court. Thus, the learned counsel submits that the Respondents have committed fraud upon this Court and 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.



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6. Upon perusing the judgment and order passed by this Court dated 01.10.2024 in W.P.(MD)No.24002 of 2022, as well as the affidavit filed in support of the contempt petition, which states that the respondent has not complied with the orders of this Court, this Court is of the view that the Respondent appears to have wilfully and deliberately disobeyed the order of this Court. Consequently, this Court deems it necessary to initiate proceedings against the Respondent for their alleged non-compliance with the said order.

7. Mr.F.Deepak, learned Special Government Pleader for the Respondent, requests that this Court grant the Respondent a final opportunity to comply with the judgment and order passed by this Court 01.10.2024 in W.P.(MD)No.24002 of 2022. He submits that the representation dated 23.07.2022 was likely under consideration and the matter is currently under process. He assures this Court that whatever order is passed will be fully complied with and requests a period of three weeks to ensure compliance.

8. In view of the assurance given by Mr.F.Deepak, learned Special Government Pleader for the Respondent, this Court grants the Respondent a final opportunity to comply with the judgment and order passed by this Court dated 01.10.2024 in W.P.(MD)No.24002 of 2022, without fail, within three weeks from today. The Petitioner is directed to furnish a copy of this order to the Respondent by way of representation within one week from today. If the



Contempt Petition (MD)No.567 of 2025

WEB COPY

Petitioner files the representation, the Respondent shall take an appropriate decision on the representation dated 23.07.2022, pass a reasoned and speaking order on merits, and in accordance with law, after giving sufficient opportunity to the Petitioner. The Respondent shall communicate their decision to the Petitioner through Registered Post with Acknowledgement Due (RPAD) within two weeks from the date of passing the order.

9. In view of the above, the Contempt Petition is disposed of at this stage. The file shall be consigned to record. There shall be no order as to costs.

10. 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.

06.03.2025

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

To:
The Joint Director (Vocational),
Directorate of School Education,
DPI Compound, College Road,
Chennai - 600 006.



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Contempt Petition (MD)No.567 of 2025

SHAMIM AHMED, J.

Nsr

Contempt Petition (MD)No.567 of 2025

06.03.2025