



Cont.A.(MD)No.3 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.03.2025

CORAM:

THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

AND

THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

CONT.A.(MD)No.3 of 2025

against

CONT.P.(MD)No.1067 of 2024

Mr.Chinnarasu,
Chief Educational Officer,
Tirunelveli, Tirunelveli District.

... Appellant

-Vs-

1.H.Heline Ronica Jesubell

2.Mrs.Kakarla Usha,
Secretary to Government,
Department of School Education,
St.George Fort, Chennai.

3.Mr.Arivoli,
Director of School Education,
DPI Compound, College Road,
Chennai.

4.Mrs.Thayapathinaltham,
District Educational Officer,
Valliyoor, Tirunelveli District.

... Contemnors



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PRAYER: Petition filed under Section 19(1) of Contempt of Courts Act, 1971, praying this Court to set aside the order of punishment imposed in Cont.P.(MD)No.1067 of 2024, dated 19.02.2025.

For Appellant : Mr.J.Ashok,
Additional Government Pleader
For Respondents : No Appearance

JUDGMENT

[Judgment of the Court was delivered by *J.NISHA BANU, J.*]

This Contempt Appeal is filed by the third respondent/ contemnor challenging the order of punishment imposed upon him in Cont.P.(MD)No.1067 of 2024, vide order dated 19.02.2025, wherein:-

(i) the third respondent/ contemnor was sentenced to undergo simple imprisonment for a period of one week and to pay a fine of Rs.5,000/-.

(ii) In case of default, the third respondent/ contemnor shall further undergo a simple imprisonment for a period of another three days.

(iii) The third respondent/ contemnor was also directed to surrender before the Registrar (Judicial), Madurai Bench of Madras High Court on or before 26.02.2025, for taking further action in accordance with the provisions of Contempt of Courts Act, 1971.

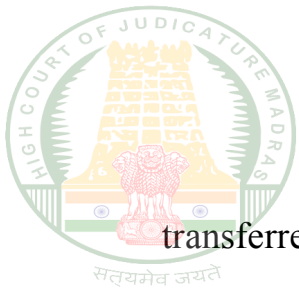


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2. For a better understanding of the case, it would be essential to discuss the vital facts of the case.

2.1. Challenging the rejection of the appointment proposal of the first respondent herein, a writ petition was filed by her in W.P.(MD)No.20747 of 2023, which subsequently came to be allowed by this Court, vide order dated 26.09.2023. In the said order, this Court has directed the 1st respondent to submit a fresh representation to the School, which in turn, shall submit a fresh proposal, seeking approval of the appointment of the 1st respondent with effect from 04.06.2019 to the appellant and on receipt of the same, the appellant shall approve the said proposal. Since the said order was not complied with by the appellant, the 1st respondent filed Cont.P(MD)No.1067 of 2024, which was allowed by the learned Single Judge, vide order dated 19.02.2025.

3. According to the learned Additional Government Pleader appearing for the appellant, after the orders were passed by the Writ Court in W.P.(MD) No.20747 of 2023 on 26.09.2023, the third respondent/ contemnor's Department preferred an appeal along with a condone delay petition in C.M.P.(MD) No.15080 of 2024 in W.A.(MD) SR No.77041 of 2024. Thereafter, the third respondent/ contemnor, who was the Chief Educational Officer, Tirunelveli was transferred and posted as Deputy Director of Private Schools on 08.10.2023 and later he was



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transferred and posted as Chief Educational Officer, Ramanathapuram on 08.10.2024 and presently one M.Sivakumar is serving as the Chief Educational Officer, Tirunelveli.

4. The main grievance raised by the learned Additional Government Pleader is that in the above cited proceedings dated 22.11.2024, it was inadvertently mentioned as the approval granted is with effect from 01.08.2024 instead of 04.06.2019. On 19.02.2025, when the contempt petition came up for hearing before this Court, a copy of the said proceedings was given to the Government Advocate at about 10:15 A.M., and he found that the date of approval was mistakenly stated in the proceedings as 01.08.2014 instead of 04.06.2019 and he fairly admitted the said fact before this Court and also submitted that he will issue suitable instructions for issuing the rectification on the same day itself.

5. The learned Additional Government Pleader further relief upon the judgment of the Hon'ble High Court of Delhi at New Delhi in Cont.CAS (C) 138/2019 in ***Delhi Rozi Roti Adhikar Abhiyan vs. Rajesh Ahuja***, wherein it has been held as follows:-

“No doubt, this Court has expressed its dissatisfaction regarding the speed in compliance of aforesaid



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order of this Court by the Respondent, however lack of speed alone is not sufficient for this Court to take action against the Respondent on the ground of deliberate and wilful disobedience of the orders of this Court. Though this Court does not appreciate the delay on the part of the Respondents in carrying out of the directions of this Court, however, it is not sufficient to hold up the Respondents for committing Contempt of Court within the ambit of Section 2 (b) of the Contempt of Courts Act, 1971.”

6. Therefore, the learned Additional Government Pleader, submitted that the present Chief Educational Officer, Tirunelveli, has taken efforts for obeying the order passed by this Court in letter and spirit by granting approval for the appointment of the first respondent vide proceedings under Na.Ka.No. 1662/M3/2024 dated 22.11.2024 and the said copy of the order was also served on the first respondent on the same day itself. Even during the adjudication of the contempt petition before this Court, when the mistake in the aforesaid proceedings was noticed by the learned Government Advocate with regard to the grant of approval of appointment from 01.08.2014 instead of 04.06.2019, the same was corrected and rectification order was also issued on the same day itself. Hence, he prayed for allowing the present Appeal.



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7. This Court heard the submissions made by the learned Additional Government Pleader appearing for the appellant and also perused the materials placed before it.

8. As per Section 12(1) of the Contempt of Courts Act, 1971, the maximum punishment that can be imposed for contempt of Court is (a) imprisonment upto six months, and/ or (b) Fine upto Rs.2,000/-. The relevant portion is extracted hereunder:-

“Section 12(1) in The Contempt Of Courts Act, 1971

Save as otherwise expressly provided in this Act or in any other law, a contempt of court may be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both:

Provided that the accused may be discharged or the punishment awarded may be remitted on apology being made to the satisfaction of the court.

9. As per Section 12(1) of the Contempt of Courts Act, 1971, an apology shall not be rejected merely on the ground that it is qualified or conditional if the accused makes it bona fide. Here in the present case on hand, the delay incurred in implementation of the order passed by this Court is only due to administrative



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exigencies that arose as a result of the transfer of the Chief Educational Officer, Tirunelveli and the present Chief Educational Officer, Tirunelveli has taken efforts to obey the order of this Court.

10. In view of the above, this Court is inclined to interfere with the order of punishment imposed by this Court. Accordingly, the order of punishment made in Cont.P.(MD)No.1067 of 2024, dated 19.02.2025 is hereby set aside and the Contempt Appeal stands allowed. No costs.

[J.N.B., J.] & [S.S.Y., J.]
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NCC : Yes / No
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