



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.04.2025

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CORAM:

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

Sub Application (MD)No.108 of 2025

In

Contempt Petition (MD)No.1596 of 2018

In

W.P.(MD)No.10196 of 2018

M.A.Stephen Sundar Singh,
S/o.D.Y.Mohan Doss,
No.287/5A,
Pooranammal Colony,
Kadalayur Road,
Kovilpatti,
Thoothukudi District.

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Petitioner

Vs

1.Mr.B.Chandramohan, I.A.S.,
The Secretary to Government,
Education Department,
State of Tamil Nadu,
Secretariat,
St.Fort George,
Chennai - 9.

2.Mr.S.Karupanan,
The Director of Elementary Education,
College Road,
Chennai - 6.

3.Mr.R.Baskaran,
The District Educational Officer,
Formerly District Elementary Educational Officer,
Kovilpatti,
Thoothukudi.



4. Tmt. Muthammal,
Block Educational Officer/
Formerly Assistant Elementary Educational Officer,
Kovilpatti,
Thoothukudi.

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Respondents

PRAYER: Petition is filed under Section 11 of Contempt of Courts Act, 1971, r/w Section 151 of CPC, to reopen the Contempt Petition (MD) No. 1596 of 2018 dated 01.04.2022.

For Petitioner : Ms. Dhanaseeli

For Respondents: Mr. F. Deepak
Special Government Pleader

Prayer in Cont P(MD) 1596/2018:

Petition filed under section 11 of the Contempt of Court Act, 1971 To punish the contemnors/respondents herein for willfully and deliberately committing contempt of court by willfully disobeying the order of this Honourable Court passed in W.P. (MD) No. 10196 of 2018, dated 28.04.2018.

Prayer in WP (MD) 10196/2018:

Writ petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus calling for the records relating to the orders passed by the 3rd respondent in his proceedings in Na.Ka.No.4176/A2/2013 dated 20/04/2018 and quash the same and consequently direction any be issued to respondents to approve the petitioners appointment as Secondary Grade Teacher in 5th respondent school from the date of the joining on 02/07/2012 with all service and monetary benefits by sanctioning grant within stipulated time.

ORDER

This petition has been filed to reopen the Contempt Petition (MD) No. 1596 of 2018 dated 01.04.2022.



2. Heard Ms.Dhanaseeli, learned counsel for the Petitioner, Mr.F.Deepak, learned Special Government Pleader, accepts notice on behalf of the Respondents.

Therefore, no further notice is required to be issued to the Respondents.

3. Ms. Dhanaseeli, learned counsel for the Petitioner, submits that the Petitioner's approval for appointment to the post of Secondary Grade Teacher, has been rejected by the District Educational Officer vide order dated 20.04.2018. Being no alternative, the Petitioner filed a Writ Petition in W.P.(MD)No.10196 of 2018, seeking to quash the order dated 20.04.2018, whereby the Respondents rejected the Petitioner's appointment and seeking direction against the Respondents to approve his appointment as a Secondary Grade Teacher in the Respondent Institution with effect from the date of his joining, i.e., 02.07.2012, with all service and monetary benefits. The learned Single Judge of this Court vide order dated 28.04.2018 allowed the aforementioned Writ Petition. For better appreciation, the relevant portion of the order is reproduced below:

“9. It has been categorically held in the decision reported in (2016) 4 L.W. 841 – The Secretary to Government, Government of Tamil Nadu and Others Vs. S.Jeyalakshmi and another) that teachers for minority institutions need not have the qualification of TET. Since the said reasoning once again has been given by the respondents in the impugned order, in the opinion of this Court, the same is untenable and therefore, the same is liable to be interfered with.

10.Accordingly, the impugned order is quashed and the



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respondents are directed to approve the appointment of the petitioner from the date of his original appointment and on making such approval, it is needless to mention that the petitioner shall be entitled to claim salary from his original appointment.

11. With this direction, this writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.”

4. The learned counsel for the petitioner further submits that when the judgment and order passed by this Court dated 28.04.2018 in W.P.(MD)No.10196 of 2018 was not complied with, and in the absence of an alternative remedy, the Petitioner filed a Contempt Petition (MD)No.1596 of 2018 and the co-ordinate bench of this Court, vide order dated 01.04.2022, closed the Contempt Petition with the following observations:

“8. It is an admitted fact that the petitioner is working in the institution. Therefore, this Court is of the considered opinion that the management ought to pay salary on par with other Teachers. Therefore, the management is directed to pay the salary to the petitioner on par with other teachers. The approval of appointment shall be considered after the disposal of the SLP, until then, the management is responsible to pay the salary. After the disposal of the two SLPs, the contemnors shall consider the present issue and shall pass orders as per the orders passed in the said two SLPs. The respondents have preferred a SLP against the Writ



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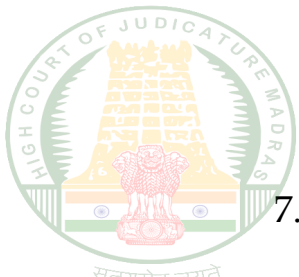
Appeal in Diary No.1409 of 2022 in the present case.

Therefore, the respondents are directed to consider the issue after the disposal of the said SLP. Therefore, there is no deliberate disobedience. The petitioner is at liberty to reopen the Contempt Petition after the disposal of SLP.

9.Hence, the Contempt Petition is closed. No costs”

5. In pursuance of the judgment and order dated 01.04.2022 passed by this Court, the present sub-application has been filed to reopen the Contempt Petition (MD)No.1596 of 2018 against the Respondents on the grounds that the Special Leave Petition (SLP) filed by the Respondents was dismissed as withdrawn on 20.02.2025. The learned counsel submits that with the dismissal of the SLP, the order dated 28.04.2018 passed by the Writ Court in W.P.(MD)No.10196 of 2018 has attained finality, and the Respondents are now bound to comply with the directions and observations made therein.

6. Despite the dismissal of the SLP over two months ago, the Respondents have failed to comply with the judgment and order dated 28.04.2018 passed by the Writ Court in W.P.(MD)No.10196 of 2018. This deliberate and wilful non-compliance constitutes contempt of this Court. Thus, the learned counsel submits that the Respondents are in contempt. She 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.



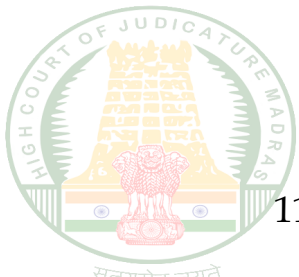
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7. Mr.F.Deepak, the learned Special Government Pleader requests that this Court grant the Respondents a final opportunity to comply with the judgment and order passed by the Writ Court on 28.04.2018 in W.P.(MD)No.10196 of 2018. He also assures this Court that whatever order is passed by this Court will be fully complied with and request a period of 10 days to ensure compliance.

8. The learned counsel for the Petitioner has no objection to the prayer made by the learned Special Government Pleader for the Respondents.

9. In view of the assurance given by Mr.F.Deepak, learned Special Government Pleader for the Respondents, this Court grants the Respondents a final opportunity to comply with the judgment and order passed by the Writ Court dated 28.04.2018 in W.P.(MD)No.10196 of 2018, without fail, within a period of 10 days from today. The Respondents are directed to communicate the decision taken by them to the Petitioner and to file an affidavit of compliance in this regard within a period of 10 days from today. Failure to comply with the said order within the stipulated time frame will necessitate the Respondents' personal appearance before this Court on the next fixed date.

10. In view of the above, the Sub Application is allowed and put up the Contempt Petition (MD)No.1596 of 2018 under the caption "For Orders" on 23.04.2025.



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

Sd/-

Assistant Registrar (CS III)

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/04/2025

Sub Assistant Registrar
(CS - I/ II / III /IV)

Nsr

To:

- 1.The Secretary to Government,
Education Department,
State of Tamil Nadu,
Secretariat,
St.Fort George,
Chennai - 9.
- 2.The Director of Elementary Education,
College Road,
Chennai - 6.
- 3.The District Educational Officer,
Formerly District Elementary Educational Officer,
Kovilpatti,
Thoothukudi.
- 4.The Block Educational Officer/
Formerly Assistant Elementary Educational Officer,
Kovilpatti,
Thoothukudi.



5. The Special Government Pleader,
Madurai Bench of Madras High Court,
Madurai.

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