



Contempt Petition (MD)No.911 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.06.2025

CORAM:

THE HONOURABLE **MR.JUSTICE SHAMIM AHMED**

Contempt Petition (MD)No.911 of 2025

In

W.P.(MD)No.6755 of 2018

B.Stanley Jespher,
No.24/11, Near CSI Church,
Tisayanvilai,
Tirunelveli District.

...Petitioner/Petitioner

Vs

- 1.Mr.S.Kannappan,
Director of Elementary Education,
Chennai.
- 2.Mr.K.Muthuraj,
District Elementary Educational Officer,
Now District Educational Officer, (Elementary),
Valliyur,
Tirunelveli District.
- 3.Mr.G.Subramanian,
Additional Assistant Elementary Educational Officer,
Now Block Educational Officer,
Radhapuram,
Tirunelveli District.

...Contemnors/Respondents



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PRAYER: Contempt Petition is filed under Section 11 of Contempt of Courts Act, to punish the Contemnors/Respondents for willfully disobeying and not complying with the order passed by this Court in W.P.(MD)No.6755 of 2018, dated 15.03.2019.

For Petitioner : Mr.V.Panneer Selvam

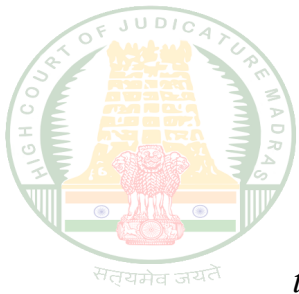
For Respondents : Mr.D.Sadiq Raja
Additional Government Pleader

ORDER

This is a petition seeking initiation of contempt proceedings against the Respondents for violation of the order, dated 15.03.2019 passed by this Court in W.P.(MD)No.6755 of 2018.

2. This Court vide order dated 25.04.2025 passed the following order:

“2. Mr.V.Panneer Selvam, learned counsel for the petitioner, submits that the petitioner has filed the present contempt petition for non compliance of the judgment and order passed by the Writ Court in a bunch of Writ Petitions in W.P. (MD)Nos.18789 of 2017 etc., batch and the Petitioner's Writ Petition in W.P.(MD) No.6755 of 2018 and the learned Single Judge of this Court vide order dated 15.03.2019 disposed of



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the aforementioned writ petitions. For better appreciation, the relevant portion of the order is reproduced below:

“8.However, considering the fact that the issue involved in these writ petitions had already been decided by this Court in a number of cases, the Government authorities are directed to grant approval to the petitioners at the earliest. As and when the approval is granted and deployment order is passed considering the surplus strength, such deployment order is to be given forthwith by the Management with immediate effect.

9.With the above direction, these Writ Petitions are disposed of. No costs. Consequently, WMP(MD)Nos.15211, 19875, 19876 of 2017 and 38 of 2018 are closed.”

3. The learned counsel for the Petitioner submits that aggrieved by the order of the Writ Court dated 15.03.2019 in W.P.(MD)No.6755 of 2018, the Respondents filed a bunch of Writ Appeals in W.A.(MD)Nos.1341 of 2019 etc., batch and the leading Writ Appeal is W.A(MD)No.662 of 2021. The Division Bench of this Court, vide its judgment and order dated 07.08.2023, disposed of the said Writ Appeals. A copy of the said judgment is annexed at page no.26 of the typed set of papers. For better appreciation, the relevant portion of the order is reproduced below:

“10. We find no merit in this submission for two reasons. Firstly, the orders passed by the



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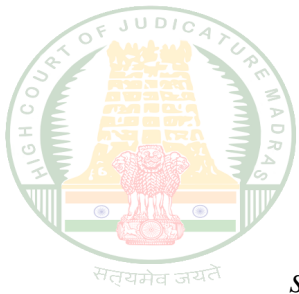
Division Benches / Single Benches on earlier occasions, could well have attracted the same arguments. However, and notwithstanding this, those orders have been implemented.

11. Secondly, the Special Leave Petition filed by the State is still pending before the Hon'ble Supreme Court. If the State was truly serious about this submission, there is no justification in it pursuing the Special Leave Petition, simultaneously.

12. We are thus inclined to reiterate the view already taken by us in W.A.(MD)No.1076 etc., batch, by order dated 26.07.2023. There is a direction to the State to approve the appointments of the respondents/Writ Petitioners subject to the result of S.L.P.(C)No. 15702 of 2021 challenging order dated 31.03.2021 passed in W.A.(MD)No.76 of 2019, within a period of four weeks from date of receipt of a copy of this order.

13. These Writ Appeals stand disposed in terms of the above order. No costs. Consequently, connected miscellaneous petitions are closed”

4. The learned counsel for the Petitioner further submits that despite the judgments and orders passed by the Writ Court dated 15.03.2019 in W.P.(MD)No.6755 of 2018 as well as the Appellate Court dated 07.08.2023 in W.A(MD)No.662 of 2021, the Respondents have not complied with the directions of the Writ Court and they have wilfully and deliberately flouted the orders passed by both the Courts. Thus, the learned counsel



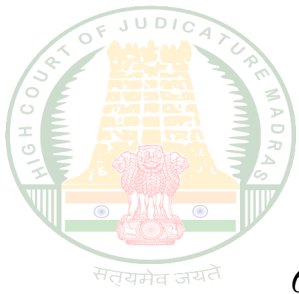
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submits that the Respondents are in contempt and may be summoned before this Court and punished for committing contempt by exercising the powers under Sections 11 and 12 of the Contempt of Courts Act, 1971.

5. Upon perusing the judgment and order passed by the Writ Court dated 15.03.2019 in W.P.(MD)No.6755 of 2018 and the Appellate Court dated 07.08.2023 in W.A(MD)No.662 of 2021, as well as the affidavit filed in support of the contempt petition, which states that the Respondents have not complied with order of both the Courts, this Court is of the view that the Respondents appear to have wilfully and deliberately disobeyed the orders of the Writ Court. Consequently, this Court deems it necessary to initiate proceedings against the Respondent for their alleged non-compliance with the said orders.

6. Mr.F.Deepak, learned Special Government Pleader for the Respondent assures this Court that whatever order is passed by this Court will be fully complied with and requests four weeks' time to ensure compliance with the said order.

7. In view of the assurance given by Mr.F.Deepak, learned Special Government Pleader, this Court grants the Respondents a final opportunity to comply with the judgment and order of the Writ Court dated 15.03.2019 in W.P.(MD)No.



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6755 of 2018, without fail, within a period of four weeks 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 on or before the next fixed date. 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.

8. Put up this case on 11.06.2025 under the caption “For Admission” before appropriate bench.

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

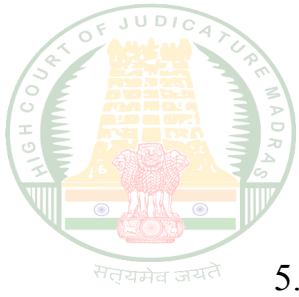
3. Today, when the matter is being taken up, Mr.D.Sadiq Raja, learned Additional Government Pleader for the Respondents, produced an affidavit filed on behalf of the 2nd Respondent annexing the order dated 10.06.2025, passed by the District Educational Officer (Elementary), Valliyur/ 2nd Respondent and submits that the Respondents have fully complied with the order of the Writ Court dated 15.03.2019 passed in W.P.(MD)No.6755 of 2018 of 2021. A copy of the said order has been



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taken on record and furnished to the learned counsel for the Petitioner. He further submits that the Petitioner has been granted approval of appointment to the post of B.T. Assistant with effect from 22.08.2023, and the monetary benefits due to the Petitioner will be paid within six weeks from today. Therefore, he prays that the Respondents may be discharged from the contempt proceedings.

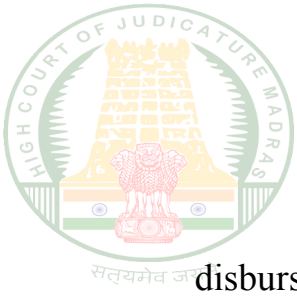
4. Mr.V.Panneer Selvam, learned counsel for the Petitioner submits that he has received the copy of the order dated 10.06.2025, wherein the Respondents have not fully complied with, as the approval for appointment to the post of BT Assistant was granted only with effect from 22.08.2023, instead of 05.01.2018, the date of the Petitioner's initial appointment. He further submits that if the Petitioner is aggrieved by the said order, liberty may be granted to challenge the same before the competent Court of law. The learned counsel states that he has no objection to the Respondents being discharged from the contempt proceedings.



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5. Mr.D.Sadiq Raja, learned Additional Government Pleader for the Respondents further submits that there was no direction from the Writ Court to grant approval from the date of the Petitioner's initial appointment, i.e., 05.01.2013. Therefore, the Respondents' order dated 10.06.2025, granting approval with effect from 22.08.2023, is correct. He submits that if the Petitioner is aggrieved, he may be given liberty to challenge the order dated 10.06.2025 before the competent court of law, and that the Petitioner cannot re-open new issues in the present contempt proceedings.

6. Considering the submissions made by the learned counsel for the Petitioner and the learned Additional Government Pleader for the Respondents, and upon perusal of the affidavit annexing the order dated 10.06.2025 passed by the District Educational Officer (Elementary), Valliyur / 2nd Respondent, this Court is satisfied that the Respondents have fully complied with the judgment and order of the Writ Court dated 15.03.2019 passed in W.P.(MD)No.6755 of 2018. The learned Additional Government Pleader has also assured that the monetary benefits will be



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disbursed within a period of six weeks from today. In view of this assurance, this Court deems it appropriate to drop the contempt proceedings. Accordingly, the Respondent are discharged from the contempt proceedings at this stage.

7. In view of the above, the Contempt Petition is disposed of with a direction to the Respondents to disburse the monetary benefits to the Petitioner, within a period of six weeks from today, without fail and the Petitioner is also at liberty to challenge the order dated 10.06.2025 before the competent Court of law, if he is so aggrieved. The file shall be consigned to record. There shall be no order as to costs.

11.06.2025

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



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Chennai.
- 2.The District Elementary Educational Officer,
Now District Educational Officer, (Elementary),
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Tirunelveli District.
- 3.The Additional Assistant Elementary Educational Officer,
Now Block Educational Officer,
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SHAMIM AHMED, J.

Nsr

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