



Contempt Petition (MD)No.773 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2025

CORAM:

THE HONOURABLE **MR.JUSTICE SHAMIM AHMED**

Contempt Petition (MD)No.773 of 2023

In

W.P.(MD)No.24920 of 2019

Mary Magdaline,
D/o.M.G.R.Sugumar,
53/2c, Arunachalanagar,
Nethaji Road, K.T.C.Nagar,
Palayamkottai,
Tirunelveli District.

Petitioner/Petitioner

Vs

- 1.Mrs.Kakarla Usha,
Secretary to the Government,
Department of School Education,
St.George Fort, Chennai.
- 2.Mr.Nantha Kumar,
Director of School Education,
DPI Compound,
College Road, Chennai.
- 3.Mr.Kabir,
Chief Educational Officer,
Tirunelveli,
Tirunelveli District.



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4. District Educational Officer,
Tirunelveli,
Tirunelveli District.

Contemnors/Respondents 1 to 4

PRAYER: Contempt Petition is filed under Section 11 of Contempt of Courts Act, to punish the Contemnors/Respondents 1 to 4 for willfully disobeying and not complying with the order passed by this Court in W.P.(MD)No.24920 of 2019, dated 02.09.2022.

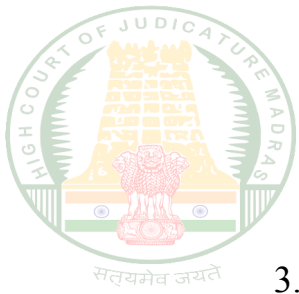
For Petitioner : Mr.S.Chellapandian

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

ORDER

This is a petition seeking initiation of contempt proceedings against the Respondents for alleged violation of the order, dated 02.09.2022 passed by the Writ Court in W.P.(MD)No.24920 of 2019.

2. Heard Mr.S.Chellapandian, learned counsel, for the Petitioner and Mr.D.Sadiq Raja, learned Additional Government Pleader, who accepts notice on behalf of the Respondents. Therefore, no further notice is required to be issued to the Respondents.



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3. The Contempt Petition has been filed for non compliance of the common judgment and order passed by the Writ Court in W.P.(MD)No. 24920 of 2019 dated 02.09.2022 [Leading Writ Petition is W.P.(MD)Nos. 6340 of 2018 etc., batch] and the learned Single Judge of the Writ Court allowed the said Writ Petitions in the following terms:

“Accordingly, the impugned order dated 14.08.2019, on the file of the third respondent is quashed. Consequently, there shall be a direction to the concerned Educational Authorities to forthwith pass orders, approving the appointment of the petitioner, in the fifth respondent school, with effect from 02.06.2018, together with all service and monetary benefits, within a period of four (4) weeks, from the date of receipt of a copy of this order.”

4. Today, when the matter was taken up, Mr.D.Sadiq Raja, learned Additional Government Pleader for the Respondents, submits that as against the judgment and order passed by the Writ Court dated 02.09.2022 in W.P.(MD)Nos.6340 of 2018 etc., batch, the Respondents have preferred Writ Appeal before Division Bench of this Court in W.A.(MD)Nos.2079 of 2023 etc., batch and the Hon'ble Division Bench vide order dated 11.12.2023 allowed the said Writ Appeals in the following terms:



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“34. Therefore, we are of the considered opinion that, wherever the school is considered as a single Unit and no surplus Teachers are identified then approval is to be granted to those Teachers, who were appointed by following the procedures as contemplated under the Act and Rules in force and if they satisfy other conditions stipulated.

35. In respect of subject conversion, if prior permission was already granted by the competent educational authorities, then such subject conversion is to be approved in accordance with the procedures contemplated. On identification of surplus Teachers, if the school is a unit, then those Teachers are to be redeployed in any other school within the Corporate Managements/joint managements, if posts are available and in the event of non availability of posts, the surplus Teachers are to be redeployed in any other schools, wherever the vacancies are available.

36.....

37.....

38. Since we have considered the legal position in the matter of grant of approval of appointment and treating the surplus Teachers, it would be suffice if the matter is remitted back to



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the competent authority for the purpose of considering the issues afresh based on the Act, Rules, Government Orders and the principles laid down in the present judgment.

39.Regarding the powers of Administrator, the State has no dispute as the Administrator appointed by the Court is empowered to appoint the Teachers by following the procedures as contemplated. Therefore, the District Educational Officers concerned cannot reject the approval on the ground that the first respondent / Teacher was appointed/promoted by the Administrator. However, the authorities competent are empowered to look into other criteria including the educational qualifications, validity of such educational qualifications and sanctioned strength including surplus Teachers on the date of appointment and other mandatory conditions fixed by the Education Department for the purpose of grant of promotion with reference to the Act and Rules in force.

40.Therefore, the matter is remitted back to the competent authorities for passing fresh orders. Such an exercise is directed to be completed within a period of twelve weeks from the date of receipt of a copy of this order. The respondents



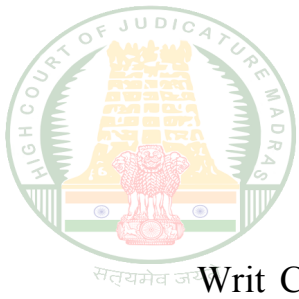
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are at liberty to submit fresh representations or documents, if any, in the meanwhile. Consequently, the order passed by the learned Single Judge in W.P. (MD) Nos.18329 & 17766 of 2022, 14453 of 2020, 16690 of 2022, 12889 of 2018, 4926 of 2020, 10214 of 2021, 19183 of 2020, 24920 & 17483 of 2019, 17406 of 2022, 18867 of 2019, 723 of 2022, 17221 of 2019, 1336 & 13792 of 2021, 16213 of 2022, 25448, 7820 & 7821 of 2019 and 16835 of 2022, dated 02.09.2022 and the impugned orders in the Writ proceedings are set aside and the Writ Appeals stand allowed. No costs. Consequently, connected miscellaneous petitions are closed.”

5. The learned Additional Government Pleader for the Respondents further submits that in pursuant to the judgment and order passed by the Appellate Court dated 11.12.2023 in W.A.(MD)Nos.2079 of 2023 etc., batch, the order dated 14.10.2024 has been passed by the Chief Educational Officer, Tirunelveli along with the affidavit of compliance and submits that the Petitioner's appointment to the post of B.T.Assistant with effect from 13.04.2023 and the monetary benefits were also been paid. Thus, he submits that the Respondents have complied with the order of the

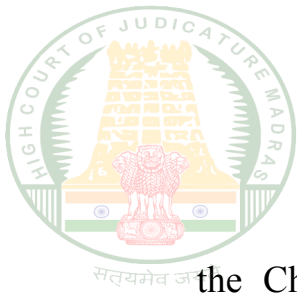


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Writ Court dated 02.09.2022 passed in W.P.(MD)No.24920 of 2019. A copy of the said order has been taken on record and the same has been furnished to the learned counsel for the Petitioner. Therefore, he prays that the Respondents may be discharged from the contempt proceedings.

6. Mr.S.Chellapandian, learned counsel for the Petitioner submits that he has received a copy of the order dated 14.10.2024 along with compliance affidavit, wherein the Respondents have approved the appointment of the Petitioner only with effect from 13.04.2023 instead of 02.06.2018, the date on which the Petitioner was appointed to the said post. Furthermore, the monetary benefits have not been paid fully in accordance with the directions issued by the Writ Court. He further submits that if the Petitioner is aggrieved by the order dated 14.10.2024, he may be permitted to challenge it before the competent Court of law. The learned counsel states that he has no objection to the Respondents being discharged from the contempt proceedings.

7. 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 order dated 14.10.2024 passed by



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the Chief Educational Officer, Tirunelveli along with the affidavit of compliance, this Court is satisfied that the Respondents have fully complied with the judgment and order of the Writ Court dated 02.09.2022 passed in W.P.(MD)No.24920 of 2019. In view of the same, this Court deems it appropriate that no useful purpose would be served by keeping the contempt proceedings pending. Therefore, the Respondents are discharged from the contempt proceedings.

8. In view of the above, the Contempt Petition is **disposed of** with liberty to the Petitioner to challenge the order dated 14.10.2024 before the competent Court of law, if he is so aggrieved. The file shall be consigned to the records. There shall be no order as to costs.

09.07.2025

Nsr

Index:Yes/No

Web:Yes/No

Speaking/Non Speaking



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Department of School Education,
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College Road, Chennai.
- 3.The Chief Educational Officer,
Tirunelveli,
Tirunelveli District.
- 4.The District Educational Officer,
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SHAMIM AHMED, J.

Nsr

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