



Contempt Petition (MD)No.1038 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2025

CORAM:

THE HONOURABLE **MR.JUSTICE SHAMIM AHMED**

Contempt Petition (MD)No.1038 of 2025

In

W.P.(MD)No.24490 of 2019

The Correspondent,
St.Mary's Higher Secondary School,
Melpalai – 629 152,
Kanyakumari District.

Petitioner / Writ Petitioner

Vs

K.Balathandayuthapani,
Chief Educational Officer,
Nagercoil,
Kanyakumari District.

Contemnor/3rd Respondent

PRAYER: Contempt Petition is filed under Section 11 of Contempt of Courts Act, to punish the Contemnor/ 3rd Respondent for willfully disobeying and not complying with the order passed by this Court in W.P(MD)No.24490 of 2019, dated 27.09.2024.

For Petitioner	: Mr.T.Cibichakraborty
For Respondent	: Mr.F.Deepak Special Government Pleader



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ORDER

This is a petition seeking initiation of contempt proceedings against the Respondent for violation of the order, dated 27.09.2024 passed by this Court in W.P.(MD)No.24490 of 2019.

2. Heard Mr.T.Cibichakraborty, learned counsel appearing for the Petitioner and Mr.F.Deepak, learned Special Government Pleader, who accepts notice on behalf of the Respondent.

3. When the matter was taken up on 23.04.2025, this Court passed the following order:

“4.Mr.A.Mohamed Ashfalk, learned counsel for Mr.T. Cibichakraborty, learned counsel appearing for the Petitioner, submits that despite the order passed by this Court in the present contempt petition dated 08.04.2025, wherein the Respondent was given a chance to comply, the Respondent has wilfully and deliberately flouted the orders passed by this Court as well as the Writ Court, without implementing the directions. Thus, the learned counsel submits that the Respondent is in



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contempt and prays that the Respondent 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. At this juncture, Mr.F.Deepak, learned Special Government Pleader for the Respondent, submits that compliance is in progress and requests three days' time to file a compliance affidavit along with the decision taken by the Respondent, to ensure compliance with the order passed by the Writ Court dated 27.09.2024 in W.P.(MD) No. 24490 of 2019.

6. In view of the assurance given by Mr.F.Deepak, learned Special Government Pleader, this Court grants the Respondent a final opportunity to comply with the judgment and order passed by the Writ Court dated 27.09.2024 in W.P.(MD) No. 24490 of 2019 as well as the directions issued by this Court in the present contempt petition dated 08.04.2025, without fail, within three days from today.

7. K.Balathandayuthapani, Chief Educational Officer, Nagercoil, Kanyakumari District, is directed to communicate the decision taken by him to the Petitioner



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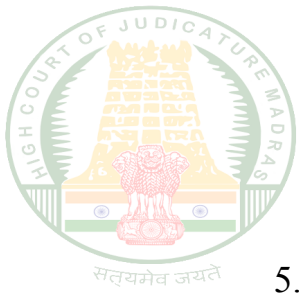
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on or before the next date fixed. Further, he is directed to appear in person before this Court along with a compliance affidavit and the decision taken by him on the next date fixed.

8. Put up this case on 28.04.2025 “For Orders” before this Court.

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 Respondent.”

4. Pursuant to the order dated 23.04.2025 passed by this Court in the present contempt petition, Balathandayuthapani, who is serving as Chief Educational Officer, Nagercoil, Kanyakumari District, appeared in person and produced an order dated 25.04.2025, along with a compliance affidavit, and submitted that the judgment and order passed by the Writ Court dated 27.09.2024, in W.P.(MD) No. 24490 of 2019 had been complied with. A copy of the said order and the compliance affidavit has been taken on record and furnished to the learned counsel for the Petitioner.



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5. Mr.F.Deepak, learned Special Government Pleader for the Respondent, submits that in the 6th paragraph of the compliance affidavit, it has been clearly stated that necessary approval has been granted to the incumbent viz., S.Agvinas Regin for appointment to the post of Pre-Vocational Instructor (Agriculture) with effect from 01.06.2018 and it was also mentioned that the Respondent instructed the Management of the School to submit necessary bills, for disbursing the monetary benefits to the incumbent viz., S.Agvinas Regin, who was working in the Petitioner Institution. Thus, he submits that the judgment and order passed by the Writ Court dated dated 27.09.2024, in W.P.(MD) No. 24490 of 2019 has been complied with, and therefore, he prays that the Respondent be discharged from the contempt proceedings.

6. Mr.T.Cibichakraborty, learned counsel appearing for the Petitioner, submits that the judgment and order passed by the Writ Court dated 27.09.2024, in W.P.(MD) No. 24490 of 2019 has been complied with by the 1st Respondent/ the Chief Educational Officer, Nagercoil, Kanyakumari District, and that in this regard, an order has also been issued, which was received by the Petitioner. He further states that he has



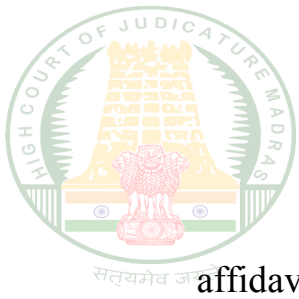
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no objection to the Respondent being discharged from the contempt proceedings.

7. The learned counsel for the Petitioner further submits that the Respondent may also be directed to pay the monetary benefits to the incumbent viz., S.Agvinas Regin forthwith.

8. The learned Special Government Pleader submits that once an order has already been passed by this Court, it is the duty of the Respondent to comply with the order, and thereafter, the Respondent may certainly consider the claim of the Petitioner Institution in respect of monetary benefits to the incumbent viz., S.Agvinas Regin from the date of approval. He also assures this Court that the monetary benefits would be disbursed, after completing other formalities, within a period of two months from today.

9. Considering the submissions made by the learned counsel for the Petitioner and the learned Special Government Pleader for the Respondent, and upon perusal of the order dated 25.04.2025 and the compliance



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affidavit particularly in paragraph no.6, this Court is satisfied that the Respondent has fully complied with the judgment and order of the Writ Court dated 27.09.2024, in W.P.(MD) No. 24490 of 2019. The learned Special Government Pleader has also assured that the monetary benefits will be disbursed within a period of two months from today. In view of this assurance, this Court deems it appropriate to drop the contempt proceedings. Accordingly, the Respondent is discharged from the contempt proceedings at this stage.

10. In view of the above, the Contempt Petition is **disposed of** with a direction to the Respondent to disburse the monetary benefits to the incumbent viz., S.Agvinas Regin, within a period of two months from today, without fail. The file shall be consigned to the record. There shall be no order as to costs.

28.04.2025

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



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SHAMIM AHMED, J.

Nsr

To:

The Chief Educational Officer,
Nagercoil,
Kanyakumari District.

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