



Contempt Petition (MD)No.1041 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.1041 of 2025

In

W.P.(MD)No.13929 of 2018

V.Mercy Ratnabai,
Pre-Vocational Instructor (Sewing),
Schaffter Higher Secondary School,
Tirunelveli – 627 001.

Petitioner/Petitioner

Vs

Mr.M.Sivakumar,
Chief Educational Officer,
Tirunelveli,
Tirunelveli District.

Contemnor/2nd Respondent

PRAYER: Contempt Petition is filed under Section 11 of Contempt of Courts Act, to punish the Contemnor/ 2nd Respondent for willfully disobeying and not complying with the order passed by this Court in W.P(MD)No.13929 of 2018, dated 17.10.2024.

For Petitioner : Mr.A.Ajithgeethan

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 17.10.2024 passed by this Court in W.P.(MD)No.13929 of 2018.

2. Heard Mr.A.Ajithgeethan, learned counsel 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 07.04.2025, this Court passed the following order:

“2. Mr.A.Ajithgeethan, learned counsel for the petitioner, submits that the post of Pre-vocational Instructor (Weaving) is a sanctioned post in the Respondent Institution and the approval to the appointment of the Petitioner was rejected by the District Educational Officer, Tirunelveli through the order dated 08.01.2018. Aggrieved by the respondents' action, the petitioner has filed a Writ Petition in W.P.(MD) No.



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13929 of 2018 and the learned Single Judge of this Court vide order dated 17.10.2024 allowed the aforementioned Writ Petition. For better appreciation, the relevant portion of the order is reproduced below:

“7. Since the law is now well settled that the Pre-Vocational Instructor (Weaving) post is a Sanctioned post and the conversion of the Pre-Vocational Instructor (Weaving) post to the Sewing Mistress post is legally permissible, this Court is of the considered view that the impugned order passed by the third respondent will have to be quashed and this Writ Petition will have to be allowed.

8. Accordingly, the impugned order issued by the third respondent, dated 08.01.2018, refusing to approve the appointment of petitioner as Sewing Mistress in the fourth respondent school with effect from 06.09.2017 is hereby quashed and this Writ Petition is allowed by directing the Chief Educational Officer, Tirunelveli to approve the appointment of petitioner in the fourth respondent school as Sewing Mistress with effect from 06.09.2017 by sanctioning the conversion of Pre-Vocational Instructor post of Weaving Teacher into that of Sewing Mistress post and disburse her salary with all other attendant benefits within a period of twelve (12) weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.”

3. The learned counsel for the Petitioner further submits that despite the judgment and order passed by this Court dated 17.10.2024 in W.P.(MD)No.13929 of



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2018, the Respondent has not complied with the directions of this Court and they have wilfully and deliberately flouting the orders passed by this Court. Thus, the learned counsel submits that the Respondent is in contempt and the Respondent 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.

4. Upon perusing the judgment and order passed by this Court dated 17.10.2024 in W.P.(MD)No.13929 of 2018 as well as the affidavit filed in support of the contempt petition, which states that the respondents have not complied with the order of this Court, this Court is of the view that the respondent appears to have wilfully and deliberately disobeyed the order of this Court. Consequently, this Court deems it necessary to initiate proceedings against the Respondent for their alleged non-compliance with the said order.

5. Mr.F.Deepak, learned Special Government Pleader for the Respondent, request time to ensure compliance with the Court's judgment dated 17.10.2024 in W.P.(MD)No.13929 of 2018. He also assure this Court that whatever order is passed by this Court will be fully complied with and requests 10 days' time to ensure compliance with the said order.



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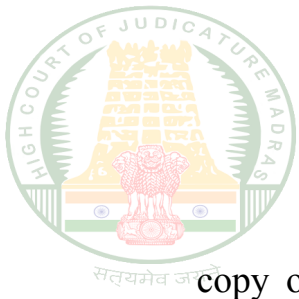
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6. *In view of the assurance given by Mr.F.Deepak, learned Special Government Pleader for the Respondent, this Court grants the Respondent a last opportunity to comply with the judgment and order of this Court dated 17.10.2024 in W.P.(MD) No. 13929 of 2018, without fail, within a period of 10 days from today. The Respondent is 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 ten 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.*

7. *Put up this case on 22.04.2025 "For Orders".*

8. *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. "*

4. Pursuant to the order dated 07.04.2025 passed by this Court Mr.F.Deepak, learned Special Government Pleader for the Respondent 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 17.10.2024, in W.P.(MD) No. 13929 of 2018 had been complied with. A



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copy of the said order and the compliance affidavit has been taken on record and furnished to the learned counsel for the Petitioner.

5. Mr.F.Deepak, learned Special Government Pleader for the Respondent, further submits that in the 6th paragraph of the compliance affidavit, it has been clearly stated that necessary approval has been granted to the petitioner for appointment to the post of Sewing Mistress with effect from 06.09.2017 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 Petitioner. Thus, he submits that the judgment and order passed by the Writ Court dated dated 17.10.2024, in W.P.(MD) No. 13929 of 2018 has been complied with, and therefore, he prays that the Respondent be discharged from the contempt proceedings.

6. Mr.A.Ajithgeethan, learned counsel appearing for the Petitioner, submits that the judgment and order passed by the Writ Court dated 17.10.2024, in W.P.(MD) No. 13929 of 2018 has been complied with by the 1st Respondent/ the Chief Educational Officer, Tirunelveli District, and that in this regard, an order has also been issued, which was received by



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the Petitioner. He further states that he has 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 Petitioner 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 in respect of monetary benefits 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 affidavit particularly in paragraph no.6, this Court is satisfied that the



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Respondent has fully complied with the judgment and order of the Writ Court dated 17.10.2024, in W.P.(MD) No. 13929 of 2018. 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 Petitioner, 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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The Chief Educational Officer,
Tirunelveli,
Tirunelveli District.



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SHAMIM AHMED, J.

Nsr

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