



CONT.P(MD)No.1076 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.06.2025

CORAM

THE HONOURABLE MR.JUSTICE **SHAMIM AHMED**

CONT.P(MD) No.1076 of 2025

in

W.P.(MD) No.7583 of 2021

Sr.A.Paulia Savariammal,
St.Aloysius Girls Higher Secondary School,
Velliavilai,
Palappallam Post,
Kanyakumari 629 159.

... Petitioner

vs.

1.Mr.Balathandayuthabani,
The Chief Educational Officer,
The Office of the Chief Educational Officer,
Nagercoil,
Kanyakumari District.

2.Mr.Sherlin Vimal,
The District Educational Officer,
The Office of the District Educational Officer,
Kuzhithurai,
Kanyakumari District.

Now at
The District Educational Officer (Secondary),
The Office of the District Educational Officer (Secondary),
Marthandam,
Kanyakumari District.

... Respondents

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Court to punish the contemnors/respondents for wilful disobedience to the orders of this Court dated 02.09.2022 made in W.P.(MD) No.7583 of 2021.



CONT.P(MD)No.1076 of 2025

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For Petitioner :Mr.FR.S.Savarimuthu for
M/S.Father Xavier Associates

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

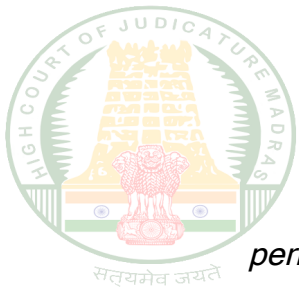
ORDER

This Contempt Petition has been filed with the prayer that the respondents/contemnors have not complied with the judgment and order passed by this Court in W.P.(MD) No.7583 of 2021, dated 02.09.2022.

2.Heard Mr.FR.S.Savarimuthu for M/S.Father Xavier Associates appearing for the petitioner and Mr.D.Sadiq Raja, learned Additional Government Pleader, for the Respondents.

3.The Co-ordinate Bench of this Court in a bunch of writ petitions, in which, the main writ petition number is W.P.(MD) No.7051 of 2020, vide order dated 02.09.2022, had passed the following order in W.P.(MD) No.7583 of 2021:-

“Accordingly, the impugned order dated 05.02.2021, on the file of the fourth respondent is quashed. Consequently, there shall be a direction to the concerned Educational Authorities to forthwith pass orders, approving the appointment of the petitioner to the post of B.T.Assistant (English), in the fifth respondent school with effect from 01.06.2019 together with all service and monetary benefits within a



CONT.P(MD)No.1076 of 2025

period of four (4) weeks, from the date of receipt of a copy of this order.”

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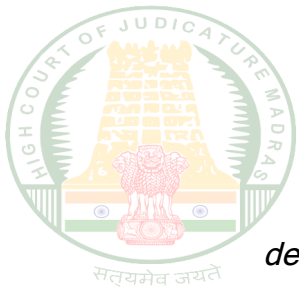
4. Thereafter, this Court, vide order dated 11.06.20025, in the present contempt petition had passed the following directions:-

“Heard Mr.FR.S.Savarimuthu, learned counsel, for M/s.Father Xavier Associates, appearing for the Petitioner and Mr.D.Sadiq Raja, learned Additional Government Pleader accepts notice on behalf of the Respondents. Therefore, no further notice is required to be issued to the Respondents.

2. The Contempt Petition has been filed for non compliance of the judgment and order passed by the Writ Court in W.P.(MD)No.7583 of 2021 dated 02.09.2022 and the learned Single Judge of this Court vide judgment and order dated 02.09.2022 allowed the said Writ Petition. For better appreciation, the relevant portion of the order is reproduced below:

“Accordingly, the impugned order dated 05.02.2021, on the file of the fourth respondent is quashed. Consequently, there shall be a direction to the concerned Educational Authorities to forthwith pass orders, approving the appointment of the petitioner to the post of B.T.Assistant (English), in the fifth respondent school with effect from 01.06.2019, 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.”

3. The learned counsel for the Petitioner further submits that despite the judgment and order passed by the Writ Court dated 02.09.2022 in W.P.(MD)No.7583 of 2021, the Respondents have not complied with the directions of this Court and they have wilfully and



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deliberately flouting the orders passed by the Writ Court. Thus, the learned counsel submits that the Respondents are in contempt and they 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 the Writ Court dated 02.09.2022 in W.P.(MD)No.7583 of 2021 as well as the affidavit filed in support of the contempt petition, which states that the Respondents have not complied with the orders of the Writ Court, this Court is of the view that the Respondents appear to have wilfully and deliberately disobeyed the order of this Court. Consequently, this Court deems it necessary to initiate proceedings against the Respondents for their alleged non-compliance with the said orders.

5. Mr.D.Sadiq Raja, learned Additional Government Pleader for the Respondent, request time to ensure compliance with the judgment and order of the Writ Court dated 02.09.2022 in W.P. (MD)No.7583 of 2021. He also assure this Court that whatever order is passed by this Court will be fully complied with and requests ten days time to ensure compliance with the said order.

6. In view of the assurance given by Mr.D.Sadiq Raja, learned Additional Government Pleader for the Respondents, this Court grants the Respondents a final opportunity to comply with the judgment and order of this Court dated 02.09.2022 in W.P.(MD)No. 7583 of 2021, without fail, within 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 this order within the stipulated timeframe will require the Respondents to appear in person before this Court on the next date fixed to justify why the



CONT.P(MD)No.1076 of 2025

Writ Court's order has not been complied with.

7. Put up this case on 25.06.2025 "For Orders" before this Court.

8. Let a copy of this order is given to Mr.D.Sadiq Raja, learned Additional Government Pleader for its necessary compliance and information to the Respondents."

5.The learned counsel for the Petitioner submits that despite the judgment and order passed by this Court in W.P.(MD) No.7583 of 2021, dated 02.09.2022 and in Cont.P.(MD) No.1076 of 2025, dated 11.06.2025, the respondents have not complied with the directions of this Court and have wilfully and deliberately flouted the order passed by this Court, dated 02.09.2022 and are in contempt of the judgment and order of this Court. Thus, they should be summoned and punished by exercising the powers under Sections 11 and 12 of the Contempt of Courts Act, 1971.

6.Today, when the matter is taken up, Mr.D.Sadiq Raja, learned Additional Government Pleader for the respondents, submits that challenging the judgment and order, dated 02.09.2022, the respondents have preferred an appeal in W.A.(MD) SR.No.33714 of 2025, before this Court along with a condone delay application in C.M.P.(MD) No.6702 of 2025, which is pending before this Court. He further submits that the appeal is not yet numbered and there is no interim order in the appeal.



CONT.P(MD)No.1076 of 2025

WEB COPY 7. Therefore, in compliance of the order passed by the Writ Court, dated 02.09.2022 in W.P.(MD) No.7583 of 2021 as well as this Court in Cont.P.(MD) No.1076 of 2025, dated 11.06.2025, he has filed an affidavit of compliance, dated 25.06.2025, annexing a copy of the decision taken by the Chief Educational Officer, Kanyakumari, dated 19.06.2025, in which it has been stated that the judgment and order passed by this Court in W.P.(MD) No.7583 of 2021, dated 02.09.2022 has been fully complied with. The compliance affidavit filed by the respondents is taken on record and a copy of the same has also been given to the learned counsel for the petitioner.

8. The learned Additional Government Pleader further submits that the respondents have granted approval to the appointment of the petitioner for the post of B.T.Assistant (English) with effect from 03.06.2019 and assures this Court that all services and monetary benefits payable by the respondents will be paid in accordance with law in the account of the petitioner within six weeks from today, however, subject to the outcome of W.A.(MD) S.R.No. 33714 of 2025. Thus, he submits that the respondents may be discharged from the present contempt proceedings, as the judgment and order of this Court dated 02.09.2022 has been fully complied with, vide order dated 19.06.2025.



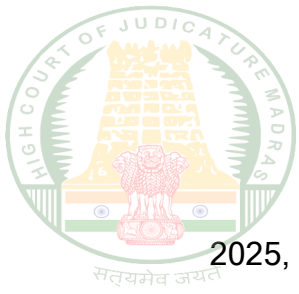
CONT.P(MD)No.1076 of 2025

9.Mr.Mr.FR.S.Savarimuthu for M/S.Father Xavier Associates appearing

for the petitioner submits that he has received a copy of the compliance affidavit of the respondents, dated 25.06.2025 along with a copy of the decision taken by the Chief Educational Officer, Kanyakumari, dated 19.06.2025 and submits that the respondents have made full compliance of the judgment and order passed by this Court in W.P.(MD) No.7583 of 2021, dated 02.09.2022.

10.He further submits that the petitioner's appointment for the post of B.T.Assistant (English) was approved by the respondents with effect from 03.06.2019, however, subject to the outcome of W.A.(MD) SR.No.33714 of 2025. Thus, he submits that he has no objection, if the respondents are discharged from the present contempt proceedings at this stage, as the judgment and order of this Court dated 02.09.2022 has been fully complied with, vide order dated 19.06.2025 and the present Contempt Petition may also be disposed of. It was further submitted that a positive direction may be given to the respondents to grant all services and monetary benefits payable to the petitioner within the time frame fixed by this Court.

11.Accordingly, in view of the submissions made by the learned counsel for the parties, after perusal of the judgment and order passed in W.P.(MD) No.7583 of 2021, dated 02.09.2022 and in Cont.P.(MD) No.1076 of



CONT.P(MD)No.1076 of 2025

2025, dated 11.06.2025 and after perusal of the order passed by the Chief Educational Officer, Kanyakumari, dated 19.06.2025, this Court satisfied that the direction issued by this Court in W.P.(MD) No.7583 of 2021, dated 02.09.2022 has been fully complied with by the respondents and there is no justification in continuing the present contempt proceedings against the respondents.

12.Accordingly, the Contempt Petition is finally disposed of and the respondents are discharged from the present contempt proceedings at this stage. It is made clear that as per the assurance given by Mr.D.Sadiq Raja, learned Additional Government Pleader, the respondents shall credit all services and monetary benefits in the account of the petitioner in accordance with law within a period of six weeks from today without any further delay. The file is consigned to record. No costs.

Index :Yes / No
Internet :Yes / No
mm

25.06.2025

To

1.The Chief Educational Officer,
The Office of the Chief Educational Officer,
Nagercoil, Kanyakumari District.

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CONT.P(MD)No.1076 of 2025

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CONT.P(MD)No.1076 of 2025

SHAMIM AHMED, J.

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CONT.P(MD) No.1076 of 2025

25.06.2025