



CONT.P(MD)No.853 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.07.2025

CORAM

THE HONOURABLE MR.JUSTICE **SHAMIM AHMED**

CONT.P(MD) No.853 of 2023

in

W.P.(MD) No.18866 of 2019

The Correspondent,
St.John Vianney's Girls,
Higher Secondary School,
Palliyadi 629 169,
Kanyakumari District.

... Petitioner

vs.

1.A.Pugazhendhi,
The Chief Educational Officer,
Nagercoil, Kanyakumari District.

2.S.K.Ravichandran,
The District Educational Officer,
Marthandam, Kanyakumari District

Previously
The District Educational Officer,
Kuzhithurai,
Kanyakumari District.

... Respondents

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Court to punish the contemnors/respondents herein for his deliberate and wilful disobedience of the order of this Court, dated 02.09.2022 in W.P.(MD) No. 18866 of 2019 under Article 215 of the Constitution of India read with Section 11 of the Contempt of Courts Act, 1971.



CONT.P(MD)No.853 of 2023

WEB COPY

For Petitioner :Mr.K.Ragatheesh Kumar for
M/S.Isaac Chambers

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

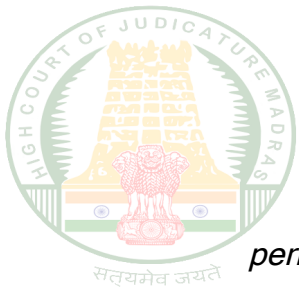
ORDER

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.18866 of 2019, dated 02.09.2022.

2.Heard Mr.K.Ragatheesh Kumar for M/S.Isaac Chambers 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.6340 of 2018, vide judgment and order dated 02.09.2022, had passed the following order in W.P. (MD) No.18866 of 2019:-

“Accordingly, the impugned order dated 15.10.2018, 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 J.Jaspin Reena, to the post of B.T.Assistant (Social Science), in the petitioner school with effect from 21.08.2018, together with all service and monetary benefits, within a



CONT.P(MD)No.853 of 2023

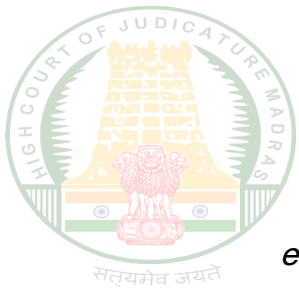
period of four (4) weeks, from the date of receipt of a copy of this order.”

WEB COPY

4.The learned counsel for the petitioner submits that despite the judgment and order passed by this Court in W.P.(MD)No.18866 of 2019, dated 02.09.2022, the respondents have not complied with the directions of this Court. Thus, being no other alternative, the present Contempt Petition has been filed with the prayer that the respondents/contemnors have wilfully and deliberately flouted the order passed by this Court and are in contempt of the judgment and order of this Court dated 02.09.2022. Thus, they should be summoned and punished by exercising the powers under Sections 11 and 12 of the Contempt of Courts Act, 1971.

5.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) No.1580 of 2023, before this Court, which was allowed by the Hon'ble Division Bench of this Court, vide judgment and order, dated 20.11.2023 with the following terms:-

“39. In view of the fact that eligibility of the teaching staff is also to be scrutinized, the matter is remanded back to the authority concerned for fresh consideration. It is open to the respondent - School to produce all the relevant documents and Judgments to



CONT.P(MD)No.853 of 2023

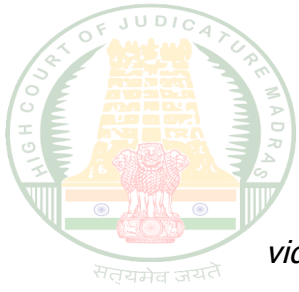
WEB COPY

establish their case before the authority concerned, who in turn shall consider the same and pass appropriate orders on merits and in accordance with law.

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 (12) weeks from the date of receipt of a copy of this order. The respondent is 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).No.18866 of 2019, dated 02.09.2022 and the impugned orders in the Writ proceedings are set aside and the Writ Appeal stands allowed. No costs. Consequently, connected miscellaneous petition is closed. ”

6.It was further submitted that in compliance of the judgment and order passed in W.A.(MD) No.1580 of 2023, dated 20.11.2023, the first respondent/the Chief Educational Officer, Kanyakumari, has considered the claim and grievances of the petitioner and vide order dated 13.05.2025, has rejected the claim of the petitioner on merits and in accordance with law. In this regard, he filed an affidavit of compliance of the first respondent, dated 08.07.2025, annexing a copy of the decision taken by the first respondent, dated 13.05.2025. In paragraph No.8 of the compliance affidavit, the aforesaid fact has been clearly stated, which reads as under:-

“8. In obedience to the order made in W.A.(MD) No.1580 of 2023 dated 20.11.2023, the Chief Educational Officer, Kanyakumari



CONT.P(MD)No.853 of 2023

WEB COPY *vide proceedings dated 13.05.2025 made in Na.Ka.No. 7885/Aal/2019 considered the claim of the petitioner on merits in accordance with law thereby rejected the same. Thus the order passed by this Hon'ble Court has been complied in letter and spirit."*

7.Thus, the learned Additional Government Pleader submits that the judgment and order passed by this Court in W.P.(MD)No.18866 of 2019, dated 02.09.2022 and in W.A.(MD) No.1580 of 2023, dated 20.11.2023 has been fully complied with. 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 and 20.11.2023 has been fully complied with, vide order dated 13.05.2025.

8.The compliance affidavit filed by the first respondent, dated 08.07.2025 is taken on record and a copy of the same has also been given to the learned counsel for the petitioner.

9.Mr.K.Ragatheesh Kumar for M/S.Isaac Chambers appearing for the petitioner submits that he received a copy of the compliance affidavit filed by the first respondent, dated 08.07.2025 along with a copy of the decision taken by him on 13.05.2025, by which, the claim of the petitioner has been rejected by way of a reasoned and a speaking order. Thus, he submits that he may be

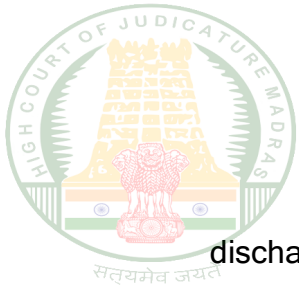


CONT.P(MD)No.853 of 2023

given liberty to challenge the aforesaid order before the competent Court of law. It was further submitted that as the order has been communicated to the petitioner, he has no objection if the respondents are discharged from the present contempt proceedings and the present Contempt Petition may also be disposed of.

10. 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.18866 of 2019, dated 02.09.2022 and in W.A.(MD) No.1580 of 2023, dated 20.11.2023 and the compliance affidavit filed by the first respondent, dated 08.07.2025, annexing a copy of the decision taken by the first respondent, dated 13.05.2025, this Court is satisfied that the direction issued by this Court in W.P.(MD) No.18866 of 2019, dated 02.09.2022 and in W.A.(MD) No.1580 of 2023, dated 20.11.2023 has been fully complied with by the respondents and no useful purpose will be served in continuing with the present contempt proceedings against the respondents.

11. Accordingly, the Contempt Petition is finally disposed of with liberty to the petitioner to challenge the aforesaid order of the first respondent, dated 13.05.2025, by which, the petitioner's claim was rejected by way of a reasoned and a speaking order, before the competent Court of law, if he is aggrieved by the decision taken by the respondents and the respondents are



CONT.P(MD)No.853 of 2023

discharged from the present contempt proceedings. The file is consigned to

WEB COPY record. No costs.

Index :Yes / No

08.07.2025

Internet :Yes / No

mm

To

- 1.The Chief Educational Officer,
Nagercoil, Kanyakumari District.
- 2.The District Educational Officer,
Marthandam, Kanyakumari District

Previously
The District Educational Officer,
Kuzhithurai,
Kanyakumari District.



WEB COPY



CONT.P(MD)No.853 of 2023

SHAMIM AHMED, J.

mm

CONT.P(MD) No.853 of 2023

08.07.2025