



CONT.P(MD)No.854 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.854 of 2023

in

W.P.(MD) No.18867 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. 18867 of 2019 under Article 215 of the Constitution of India read with Section 11 of the Contempt of Courts Act, 1971.



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

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

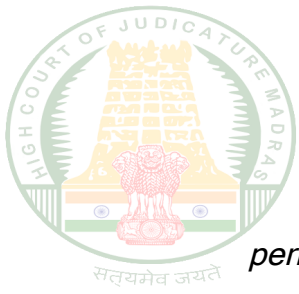
ORDER

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.18867 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.18867 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 M.Jancy Rani, to the post of B.T.Assistant (Science), in the petitioner school with effect from 07.10.2014, together with all service and monetary benefits, within a



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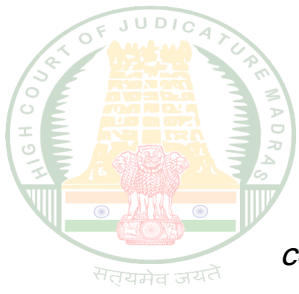
period of four (4) weeks, from the date of receipt of a copy of this order.”

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4.The learned counsel for the petitioner submits that despite the judgment and order passed by this Court in W.P.(MD)No.18867 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.2097 of 2023, before this Court, which was allowed by the Hon'ble Division Bench of this Court, vide judgment and order, dated 11.12.2023 with the following terms:-

“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



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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 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."

6. It was further submitted that in compliance of the judgment and order passed in W.A.(MD) No.2097 of 2023, dated 11.12.2023, 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



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WEB CO 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.2097 of 2023 dated 11.12.2023, the Chief Educational Officer, Kanyakumari vide proceedings dated 13.05.2025 made in Na.Ka.No. 7884/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.18867 of 2019, dated 02.09.2022 and in W.A.(MD) No.2097 of 2023, dated 11.12.2023 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 11.12.2023 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.



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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.18867 of 2019, dated 02.09.2022 and in W.A.(MD) No.2097 of 2023, dated 11.12.2023 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.18867 of 2019, dated 02.09.2022 and in W.A.(MD) No.2097 of 2023, dated 11.12.2023 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.



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WEB COPY 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 discharged from the present contempt proceedings. The file is consigned to record. No costs.

Index :Yes / No
Internet :Yes / No

08.07.2025

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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.



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SHAMIM AHMED, J.

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